Thomas J. Stipanowich, Esq.

Mediator, Arbitrator

Contact Information

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Thomas J. Stipanowich, Esq., is an experienced **commercial** and **construction** arbitrator and mediator who specializes in large and complex cases in the United States and internationally. He has arbitrated cases under the rules of major global administering bodies, as well as non-administered and ad hoc arbitration. He has a great deal of experience as chair, wing arbitrator and sole arbitrator, and on occasion has successfully played mixed roles (arb-med, mediation followed by last-offer arbitration). He also has experience as a federal court special master, early neutral evaluator and partnering facilitator.

Stipanowich holds the **William H. Webster Chair in Dispute Resolution** and is professor of law at Pepperdine University School of Law, where he has promoted more effective mediation and arbitration practice as **leader of the famed Straus Institute for Dispute Resolution** during many of its most successful years. Stipanowich began his career as a construction lawyer at a national firm

and served as an advocate and consulting attorney on construction and commercial cases even after becoming a law professor. Stipanowich came to Pepperdine in 2006 after serving as the president and CEO of the International Institute for Conflict Prevention & Resolution (CPR Institute), a thought leader in the global dispute resolution field, before which he enjoyed a long career as an attorney, a chaired law professor and a dispute resolution professional. He is **widely known internationally in the dispute resolution field**; he has affiliations with leading institutions in Germany, India, China and Brazil, and is listed on the arbitrator panels of several Chinese arbitration commissions.

Stipanowich has been the recipient of a number of the dispute resolution field's highest honors, and is widely recognized for his expertise in arbitration law, commercial arbitration procedures, ethical rules and related practice issues. He has co-authored, edited and led the development of national standards and highly-regarded practice guidance on dispute resolution, and is a sought-after speaker and trainer. Stipanowich has conducted workshops for dozens of leading corporations and law firms, and has trained arbitrators or mediators for many leading ADR institutions, including the Chartered Institute of Arbitrators and the Straus Institute.

He was an advisor for revisions to the Uniform Arbitration Act, the Uniform Mediation Act, and the Restatement (3rd) of American Law on International Arbitration. He also served as public member and chair of the Securities Industry Conference on Arbitration and was actively involved in the revision of the Code of Ethics for Arbitrators in Commercial Disputes, as well as revisions to several of the leading national and international arbitration rules. He was also chief drafter of the *College of Commercial Arbitrators Protocols on Expeditious, Cost-Effective Commercial Arbitration*. In 1991 he co-founded a regional mediation center that is still in existence. He frequently serves as an expert or consultant regarding arbitration law, procedure and practice.

ADR Experience and Qualifications

- Experienced arbitrator and mediator of a variety of complex commercial cases, such as construction disputes involving power plants, process plants and commercial buildings; commercial disputes in the public and private sectors; and international arbitration under the rules of major administering bodies as well as non-administered and ad hoc arbitration
- An expert with broad and deep knowledge of and experience with arbitration law, rules and procedures, ethical standards and arbitration practice; author or editor of many practice-oriented works and active participant in the development of leading standards governing arbitration and mediation practice
- Internationally recognized thought leader focused on more effective arbitration and mediation practice who has led two prominent practice-oriented programs:
    - Chaired professor of law at Pepperdine University School of Law, leading the famed Straus Institute for Dispute Resolution (and teaching or training on negotiation, mediation, arbitration practice, international commercial arbitration and international dispute resolution, contracts, commercial law and remedies)
    - Former president and CEO of the Manhattan-based International Institute for Conflict Prevention & Resolution (CPR Institute).
- Recipient of two of the dispute resolution field’s highest honors, the D’Alemberte/Raven Award from the American Bar Association’s Dispute Resolution Section (2008) for outstanding contributions to the field, as well as CPR Institute’s James F. Henry Award (2016) for “outstanding achievement by individuals for distinguished, sustained contributions to the field of ADR”; affiliations with or recognition by leading law schools and institutions around the world

Representative Matters

- **Business & Commercial**
    - Chaired an arbitration panel in a complex commercial case under a long-term contract involving two major energy companies, with claims and counterclaims in excess of $100 million; as chair, managed extensive discovery requests and ruled upon numerous pre-hearing motions and discovery disputes
    - Served as one of three preliminary arbitrators in a novel process under an international joint venture among major energy companies; appointed to develop a list of recommended candidates from whom a single final arbitrator would be chosen to conduct a hearing and decide disputes
    - Served as mediator who helped parties employ novel process solutions; in one case, overcame impasse by mediating an agreement by the parties to participate in final-offer arbitration
- **Construction**
    - Successfully mediated a variety of complex construction disputes involving power plants, process plants and commercial buildings; helped to craft creative business solutions in order to maintain or improve continuing business relationships
    - Acted as a “standing mediator” on complex construction projects, helping parties resolve job issues as they arose in order to avoid major disputes and delays and help meet schedules and budgetary goals
    - Served as a party-appointed arbitrator on a three-member arbitration panel addressing issues associated with the termination of a large international contractor on a major airport project; arbitration was conducted under the International Chamber of Commerce Rules; matter involved complex procedural issues and critical path issues, with emphasis on steel construction
    - Chaired tripartite arbitration in a multi-party, multi-million-dollar construction case involving a major project at one of the nation’s busier international airports; as chair, exerted a firm hand in establishing and maintaining the arbitration process schedule and making sure that business principals for all parties took part in the planning of the schedule and other key decisions; led the panel in preparing an extensive reasoned award covering numerous claims and counterclaims (delays, differing site conditions, changes), including a complex dispute surrounding the termination for cause of a major subcontractor
    - Served as sole arbitrator on a complex, multiparty construction defect arbitration involving more than three dozen counsel

Honors, Memberships, and Professional Activities

Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS.

Selected Awards and Honors

- Recognized in *Who's Who Legal: Arbitration 2020, 2021*
- International Affiliated Scholar, Peking University School of Law, 2018

- Distinguished Professor of Law; National Law University; Delhi, India; 2017
- Under his leadership, the Straus Institute for Dispute Resolution was ranked first among dispute resolution programs by *U.S. News & World Report* in 11 of 13 years
- Recipient, James F. Henry Award (for "outstanding achievement by individuals for distinguished, sustained contributions to the field of dispute resolution"), International Institute for Conflict Prevention & Resolution, 2015
- Max Kade Visiting Scholar, Institute of Private Law, Heidelberg University, 2015
- International Dispute Resolution Visiting Scholar, New Zealand Law Foundation, 2014
- Lawyer as Problem Solver Award, Section on Dispute Resolution, American Bar Association, 2011
- Randolph Lowry Award (in recognition of contributions in the field of conflict resolution), Southern California Mediation Association, 2011
- Practical Achievement Award, International Institute for Conflict Prevention & Resolution, 2010
- D'Alemberte/Raven Award (for contributions to the dispute resolution field), Section on Dispute Resolution, American Bar Association, 2008
- Recognized as one of 500 outstanding lawyers in America, *Lawdragon*, 2005
- Special Recognition (for *Commercial Arbitration at Its Best*), Business Law Section, American Bar Association, 2001
- Best New Legal Book (for *Federal Arbitration Law*), Association of American Publishers, 1994

Memberships and Affiliations

- Founding Fellow, American College of Commercial Arbitrators, 2001–present
- Fellow, American College of Construction Lawyers, 1997–present
- Member, Academic Counsel of the Institute for Transnational Arbitration, 2015–2019
- Co-Founder and Counselor, Pepperdine/Straus Institute for Dispute Resolution Inn of Court, 2018–2019
- Honorary Member, International Academy of Mediators
- Advisory Board, New York International Arbitration Center
- Advisor, ALI Restatement of U.S. Law on International Arbitration
- Companion, Chartered Institute of Arbitrators

Selected Publications

- Co-Author, *Federal Arbitration Law: Agreements, Awards and Remedies Under the Federal Arbitration Act*, 1995
- Editor-in-Chief, *Commercial Arbitration at Its Best*, 2001
- Co-Author, *Resolving Disputes: Theory, Practice, and Law*, 2016
- Editor-in-Chief, *College of Commercial Arbitrators Protocols for Expeditious, Cost-Effective Commercial Arbitration*, 2010
- Author of many articles, including "Commercial Arbitration and Settlement"; "Reflections on the State and Future of Commercial Arbitration: Challenges, Opportunities, Proposals"; "Arbitration: The 'New Litigation'"; and "Arbitration and Choice"

Background and Education

- William H. Webster Chair and Professor of Law, Pepperdine University School of Law, 2006–present

- Straus Institute for Dispute Resolution
    - Dean, 2017–present
    - Academic Director, 2006–2017
- President and CEO, International Institute for Conflict Prevention & Resolution, 2001–2006
- Professor of Law, University of Kentucky, 1984–2001
- Counsel, Stites & Harbison, 1986–2001
- Associate; Smith, Currie & Hancock; 1980–1984
- J.D., *magna cum laude*, Order of the Coif, University of Illinois College of Law, 1980
- Master of Architecture, University of Illinois, 1976
    - Recipient, American Institute of Architects School Medal
    - Recipient, Ryerson European Traveling Fellowship
- B.S., With Highest Honors, Architecture, University of Illinois, 1974
    - Recipient, Allerton American Traveling Fellowship

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