

JOHN R. VAN WINKLE

PERSONAL

Born March 16, 1944
Fort Wayne, Indiana

LEGAL EDUCATION

Indiana University, J.D., cum laude, 1970; Associate Editor, *Indiana Legal Forum* 1969-1970

BAR ADMISSIONS

Indiana Bar, 1970
United States Supreme Court, 1979
United States Tax Court, 1989
United States Claims Court, 1989
United States Court of Appeals, Seventh Circuit, 1989

CLERKSHIPS

Law Clerk to Justice Thomas R. Mote, Indiana Supreme Court 1966-1967
Law Clerk to Justice Roger O. DeBruler, Indiana Supreme Court 1967-1968
Law Clerk to Judge Allen Sharp, Court of Appeals of Indiana, 1968-1969

PUBLICATIONS

Books:

How ADR Works, (Contributing Author), American Bar Association Publishing, 2002

Mediation: A Path Back for the Lost Lawyer, American Bar Association Publishing, 2001 (2nd Edition, 2003)

Rules on Alternative Dispute Resolution Annotated, West Publishing Company

Law Journal Articles:

An Analysis of the Arbitration Rule of the Indiana Rules of Alternative Dispute Resolution, *Indiana Law Review*, Volume 27, 1994

Origin, Development, and Current Status of Fiduciary Duties in Close Corporations: Has Indiana Adopted a Strict Good Faith Standard?, *Indiana Law Review*, Volume 26, No. 4 1993

Mediation: An Analysis of Indiana's Court-Annexed Mediation Rule, *Indiana University Law Review*, Volume 25, No. 4 1992

Brinkman v. City of Indianapolis: The Passing of Municipal Immunity, 2 *Indiana Legal Forum* 187 (1968-1969)

Measure of Damages Resulting from Breach of Distributorship Agreements, 2 *Indiana Legal Forum* 316 (1968-1969)

Periodicals:

Recent Case Law on Mediation [*The Indiana Lawyer*, 5/18/05]

The Solution to Ensuring Good Faith in Mediation [*The Indiana Lawyer*, 11/17/04]

ADR's Impact on the "Vanishing Trial" [*The Indiana Lawyer*, 8/25/2004]

When Is ADR Considered the Practice of Law [*The Indiana Lawyer*, 9/10/03]

When Do Indiana ADR Rules Apply to Mediation [*The Indiana Lawyer*, [5/21/03]

UMA Would Strengthen, Guard Mediation Process [*The Indiana Lawyer*, 3/12/03]

NCCUSL to Promote Uniform Mediation Act [*The Indiana Lawyer*, 4/24/02]

Proposed Model Rule of Professional Conduct for the Lawyer As Neutral [*The Indiana Lawyer*, 11/10/99]

Year 2000 Disputes: Will Mediation Emerge As the Solution of Choice? [*The Indiana Lawyer*, 4/28/99]

What Trial Lawyers Need to Consider in Selecting a Mediator [*Chicago Daily Law Bulletin, ADR Supplement*, 9/28/98]

Mock Trial Mediation: When Parties Become Jurors [*The Indiana Lawyer*, 7/8/98]

As Mediation Matures, What's the Goal; What's the

Role of the Advocate? [*The Indiana Lawyer*, 10/29/97]

Arbitration Today: The Jury's Still Out [*The Indiana Lawyer*, 5/15/96]

Mediation Requires Facilitative Advocacy Methods [*The National Law Journal*, 8/8/94]

ADR and Mediation: A Primer for Business Men and Women
[*Indianapolis Business Journal*, 1993]

Investigation and Discovery, Evaluation and Persuasion are Important in
Preparing for Mediation as well as Trial [*The Indiana Lawyer*, 11/17/93]

The Lawyer's Role in Indiana's New Mediation Process [*Res Gestae*,
Volume 24, No. 5, November, 1992]

American Bar Association ADR Policy Founded on Local Action [*The
Indiana Lawyer*, 1/29/92]

Florida ADR a Good Indication of What to Expect in Indiana [*The
Indiana Lawyer*, 12/18/91]

Alternatives are Sought for Expensive Lawsuits [*Topics Magazine*,
2/27/91]

ADR Could Facilitate Meaningful Resolutions for Civil Disputes [*The
Indiana Lawyer*, 1/29/91]

Controlling Litigation Costs in the Small Business [*Small Business
Survival Guide*, 5/90]

Litigation "Check-Up" [*Indiana Business Magazine*, 10/89]

Business Litigation -- A Runaway Train? [*Commercial Litigation
Review*, 10/89]

Securities Buying: Local Experts Say Recent U.S. Supreme Court
Ruling Means Pre-Dispute Arbitration is Here to Stay [*The Indianapolis
Commercial*, 6/5/89]

When a Marriage of Shareholders Breaks Up [*Indianapolis Business
Journal*, 2/89]

Alternatives to Litigation [*Indiana Business Magazine*, 11/88]

Merger Mania Terms Don't Have to be a Mystery [*Indianapolis Business Journal*, 10/17/88]

New Alternative Methods of Dispute Resolution Help Avoid Corporate Deadlock [*Indianapolis Business Journal*, 4/18/88]

Indiana's New Corporation Law Could Permit Abuse by Majority Shareholders [*Indianapolis Business Journal*, 2/29/88]

Courts Decide Employment Rights of Minority Shareholders [*Indianapolis Business Journal*, 11/23/87]

SEMINARS

Advanced Mediation Training [*University of Cincinnati School of Law*, Cincinnati, OH, March, 2006]

Real Evidence for the Trial Practitioner in Indiana [*Lorman Education Services*, Indianapolis, IN, February, 2005] Speaker

Mediation Practice Tips [*ICLEF*, Indianapolis, IN, December, 2004] Speaker

Making the Most of an Opening Session [*Dispute Resolution Colloquium*, Indiana University School of Law, Indianapolis, IN, October, 2004] Speaker

Mediation is No Mystery [*Ontario Bar Association*, Toronto, Canada, October, 2004] Keynote Speaker

38th Annual Legal Institute [*Indiana Trial Lawyers Association*, Indianapolis, IN, November, 2002] Speaker

Mediating a Catastrophic Injury Case [*Indiana Continuing Legal Education Forum*, Indianapolis, IN, November, 2002] Speaker

Open Forum –Winning Through Negotiation and Mediation [*International Association of Defense Counsel*, Whistler, British Columbia, July, 2002] Speaker

Difficult Issues in Mediation & ADR [*Indiana Bench & Bar Conference*, French Lick, IN, June 2002] Speaker

Mediating Employment Disputes [*American Bar Association Section of Labor & Employment*, Charlotte, NC, September, 2001] Speaker

Hot Topics in ADR [*American Bar Association Annual Meeting*, Chicago, IL, August, 2001] Speaker

Documenting Your Mediation [*ABA Mid-Year Meeting*, Washington, D.C., April, 2001] Speaker

Mediation [*Indiana Continuing Legal Education Forum*, Indianapolis, IN, March, 2001] Speaker

Mediation of Nursing Home Claims [*Lorman Business Services*, Indianapolis, IN, October, 2000] Speaker

Mediator's Perspective on Wrongful Death [*Indianapolis Bar Association*, Indianapolis, IN, October, 2000] Speaker

Mediation from the Perspective of the Advocate and Hot Topics [*Federal Bar Association Annual Convention*, Cleveland, OH, September, 2000] Speaker

Alternative Dispute Resolution [*Monroe County Bench Bar Conference*, Bloomington, IN, April, 2000] Speaker

60 Things You Need to Know About Taking Your Case to Civil Mediation [*ICLEF – Evansville Bar Association*, Evansville, IN, November, 1999] Speaker

How to More Effectively Represent Your Clients in Mediation [*CLE, Mecklenburg County Bar Association*, Charlotte, NC, October, 1999] Trainer

Mediation of Complex Litigation [*ICLEF*, Indianapolis, IN, September, 1999] Speaker

Indiana Supreme Court's 1999 ADR Workshop [*ICLEF*, Indianapolis, IN, June, 1999] Presenter

Advanced Mediation Formats [*ABA Section of Dispute Resolution, Annual Meeting*, Boston, MA, April, 1999] Trainer

Mediating Year 2000 Disputes [*Technology Mediation Services, LLC; Information and Technology Association of America (ITAA); AH&T Technology Brokers; and The St. Paul Companies, Inc.*, Washington, DC, March, 1999] Speaker

Successful Handling of Wrongful Death Cases: The Experts Share Their Secrets [*Lorman Educational Services*, Indianapolis, IN, December, 1998] Speaker

Advanced Mediation Techniques [*J•A•M•S/ Endispute Panelist Training*, Chicago, IL, October, 1998] Trainer

Mediation and Arbitration Seminar [*Defense Research Institute*, Chicago, IL, June, 1998] Speaker

Insurance Law Institute [*ICLEF*, Indianapolis, IN, October, 1997] Speaker

Current Issues in Mediation [*Indianapolis Bar Association*, Indianapolis, IN, June, 1997] Speaker

Advanced Mediation Symposium [*American Bar Association*, San Antonio, TX, February, 1997] Speaker

Advanced Mediation [*Indiana Lawyer*, Indianapolis, IN, September, 1996] Trainer

Civil Mediation Training – Indiana Rules [*Indiana Lawyer*, Merrillville, IN, September, 1996] Trainer

Litigation Management College [*Chicago Federation of Insurance and Corporate Counsel*, Chicago, IL, June, 1995] Speaker

Advanced Mediation Skills [*J•A•M•S/ Endispute Panelist Training*, Dallas, TX, June, 1996] Trainer

TIPS Advanced Advocacy Training for Alternative Dispute Resolution [*American Bar Association*, Chicago, IL, May, 1996] Speaker

Making the Most of Mediation [*Louisville Bar Association*, Louisville, KY, March, 1996] Speaker

Advanced Mediation Skills [*J•A•M•S/Endispute Panelist Training*, New York, NY, January, 1996] Trainer

The Year in Review 1995 [*Indiana Continuing Education Forum*, Indianapolis, IN, December, 1995] Speaker

Indiana Law Update 1995 [*Indiana Continuing Education Forum*, Indianapolis, IN, September, 1995] Speaker

Advanced Mediation Training for Lawyers and Neutrals [*The Indiana Lawyer*, Indianapolis, IN, September, 1995] Trainer

Mediation and ADR [*National Association of Legal Secretaries*, Indianapolis, IN, September, 1995] Speaker

Recent Developments in ADR and Analysis of Arbitration Statutes [*Indiana Continuing Legal Education Forum and Indiana University Alumni Association, Indiana Law Update 1995*, Indianapolis, IN, September, 1995] Speaker

Mediation in Real Estate Matters [*American Bar Association Annual Meeting*, Chicago, IL, August, 1995] Speaker

Advanced Mediation Techniques for Trial Lawyers and Neutrals [*American Bar Association Annual Meeting*, Chicago, IL, August, 1995] Speaker

Facilitated Symposia [*American Bar Association Annual Meeting*, Chicago, IL, August, 1995] Panelist

Litigation Management College [*Chicago Federation of Insurance & Corporate Counsel*, Chicago, IL, June, 1995] Speaker

Civil Mediation Training [*Indiana Continuing Legal Education Forum*, Indianapolis, IN, June, 1995] Speaker

Mediation Techniques [*DRI Seminar on Third Party Liability*, Atlanta, GA, March, 1995] Speaker

ABA Symposium on Dispute Resolution, featuring Roger Fisher [Miami, FL, February, 1995] Chair

ADR History, ADR Methods and Necessary Skills and Techniques [*ABA's Central and Eastern European Law Initiative Technical Legal Assistance Workshop*, Veszprem, Hungary, October, 1994] Speaker

Successful Mediation [*Indiana Continuing Legal Education Forum*, Indianapolis, IN, May, 1994] Speaker

Alternative Dispute Resolution [*ISBA Business Law Section*, Indianapolis, IN, October, 1993] Speaker

Mediate or Litigate? [*Personnel Law Update 1993*, Indianapolis, IN, September, 1993] Speaker

Dispute Resolution and the Courthouse of the Future [*American Bar Association Standing Committee on Dispute Resolution*, Portland, Maine, June, 1993] Speaker

1993 Defense Seminar – Mock Mediation [*The Insurance Institute of Indiana and The Indiana Defense Lawyers Association*, Indianapolis, IN, June, 1993] Speaker

Alternative Dispute Resolution Mechanisms in Medical Liability Cases [*National Institute*, New Orleans, LA, May, 1993] Speaker

Mediation in May [*Indianapolis Bar Association “Brown Bag” Seminar*, Indianapolis, IN, May, 1993] Speaker

Alternative Dispute Resolution: How to Evaluate and Settle Personal Injury Claims in Indiana [*Professional Education Systems, Inc.*, Indianapolis, IN, December, 1992] Speaker

Current Issues in Business Litigation [*Indiana Continuing Legal Education Forum*, Indianapolis, IN, November, 1992] Speaker

Mediation: Handling Automobile Negligence Cases II [*Indiana Continuing Legal Education Forum*, Indianapolis, IN, November, 1992] Speaker

Shareholder Disputes: Fiduciary Duty in Close Corporations [*Lorman Education Services*, Indianapolis, IN, September, 1992] Speaker

Alternative Dispute Resolution: What You Should Know About This Change in the Practice of Law [*Indiana Continuing Education Forum*, Indianapolis, IN, September, 1992] Speaker

Mediation – Summertime Torts: The Nuts and Bolts of Auto Cases in the 1990's [*Indiana Trial Lawyers Association*, Indianapolis, IN, August, 1992] Speaker

Differences in Preparing a Case for Mediation versus Trial [*American Bar Association 1992 Annual Meeting*, San Francisco, CA, August, 1992] Speaker

Preparing a Case for Mediation [*American Bar Association 1992 Annual Meeting*, San Francisco, CA, August, 1992] Moderator

Mediation Pursuant to Indiana's New ADR Rules [*Indiana Association of Manufacturers*, Indianapolis, IN, April, 1992] Speaker

Preventing Accounting Malpractice: Viewpoint of a Defense Lawyer
[*Bingham Summers Welsh & Spilman –Business Litigation Practice Group*, Indianapolis, IN, February, 1992] Speaker

Effective Motion Practice in Indiana: The Do's and Don'ts of Motion Practice [Lorman Education Services, Indianapolis, IN, October, 1991] Speaker

Contract Law and Drafting Techniques [National Business Institute, Inc., May, 1991] Speaker

Alternative Dispute Resolution [ADR Seminar, Ohio Northern University, Ada, OH, March, 1991] Speaker

Civil Rights and Governmental Tort Liability: Defending Prison Conditions and Jail Suicide Cases –Loss Prevention and Litigation Strategies [Defense Practice Seminar—The Defense Research Institute, San Diego, CA, February, 1991] Speaker

Alternative Dispute Resolution [Insurance Institute of Indiana, Inc.—1990 Defense Seminar, Indianapolis, IN, June, 1990] Speaker

Shareholders' Rights and Responsibilities: Majority Responsibilities and Minority Rights [Indianapolis Chamber of Commerce and Bingham Summers Welsh & Spilman, Indianapolis, IN, April, 1988] Speaker

TEACHING

Adjunct Professor, Indiana University School of Law, 1994 to 2001 --
Mediation

Adjunct Professor, Indiana University School of Law, 1992 --Secured
Transactions

Adjunct Professor, Indiana University School of Law, 1971--Contracts
Instructor, Indiana University School of Law, 1971--Legal Writing

**PROFESSIONAL /
BAR ASSOCIATION
ACTIVITIES**

BAR ASSOCIATION ACTIVITIES

Indiana State Bar Association

Vice Chair, Education Committee, ADR Section 1993-94

Indianapolis Bar Association

Chair, Section of Dispute Resolution, 1999-2001

American Bar Association:

Chair - Section of Dispute Resolution, 1994-1995

Member-Site Evaluation Team--

ABA/AALS Accreditation, Mississippi College of Law, 1992

Chair - Alternative Dispute Resolution Committee

of Tort and Insurance Practice Section, 1991-92

Advisor - Dispute Resolution Section, 1992

Council Member - Section of Dispute Resolution

1992-1997

Central and Eastern European Law Initiative (CEELI)

Delegate to Hungary -- Judicial Reform, 1995

Chair - Nomination Committee, Section of Dispute
Resolution, 1996, 2000, 2002

Chair - Mediation Committee, Section of Dispute
Resolution, 2000-2002

PROFESSIONAL ACTIVITIES

Member – Indianapolis, Indiana and American Bar Associations

Member – Association for Conflict Resolution

Fellow – International Academy of Mediators

Benchler – Sagamore American Inns of Court, Indianapolis

Listed – The Best Lawyers in America, Alternative Dispute
Resolution

Panelist – CPR International Institute for Conflict Prevention
and Resolution

EDUCATION

- J.D., Indiana University School of Law, 1970, Cum Laude, Associate Editor, Law Review
- B.A., Butler University, 1966