



Gary Birnberg, Esq., FCI Arb

Mediator, Arbitrator

Contact Information

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Gary Birnberg serves as a mediator, arbitrator, and settlement negotiator in a diverse array of complex commercial matters, both internationally and domestically. Mr. Birnberg's significant, hands-on business experience coupled with his legal acumen allow him to quickly grasp the facts in multifaceted cases, and nurture trust amongst the parties. He employs determination and creativity to assist parties in reaching resolution. His ADR practice is concentrated on business and commercial, aviation, insurance/reinsurance, financial markets, and intellectual property disputes. Prior to joining JAMS, Mr. Birnberg spent 20 years providing strategic and business consulting services to companies in a wide variety of industries, including aviation, technology and communications, energy, life sciences, sports and entertainment, and maritime, among others. Through his work consulting with companies on global business initiatives, such as creating and executing distribution expansion strategies, Mr. Birnberg has garnered a strong understanding of the needs of businesses facing cross-border disputes. His business experience, multi-lingual capabilities, and negotiation skills make him uniquely qualified to resolve matters involving

international issues.

Mr. Birnberg is a U.S. citizen and permanent resident of Brazil, fluent in English, French, and Portuguese with conversational capacity in Italian and Spanish.

ADR Experience and Qualifications

- More than 30 years of experience as a commercial dispute resolution and business relations intermediary, management consultant, corporate board member, entrepreneur, trainer, speaker, and advisor to companies worldwide
- Florida Supreme Court's Civil (2010) and Appellate Mediator Certification (2012)
- Chair of the Advisory Board for The Hague Court of Arbitration for Aviation

Has previously served on ADR panel appointments with multiple organizations including:

- Multiple Brazilian institution panels, including: CAE Mediation and Arbitration Chamber of European Chambers of Commerce (São Paulo); CAM-CCBC – Center of Arbitration and Mediation – Brazil-Canada Chamber of Commerce (São Paulo); CAMARB - Brazilian Chamber of Business Arbitration; CBMA - Brazilian Center of Mediation and Arbitration (Rio de Janeiro); CIESP/FIESP Center of Industries of the State of São Paulo / Federation of Industries of the State of São Paulo; CMAA Câmara de Mediação e Arbitragem ACIF (Associação Comercial e Industrial de Florianópolis)
- HCAA-the Court of Arbitration for Aviation
- CAS-Court of Arbitration for Sport
- CMAP Mediation and Arbitration Center of Paris
- CPR International Institute for Conflict Prevention and Resolution (New York)
- CPR-CMAP joint panel for complex, high value, bilingual, international commercial cases
- CAfA-Court of Arbitration for Art
- FINRA
- KCAB International – Korean Commercial Arbitration Board International – Panel of International Arbitrators
- Russian Arbitration Center at Russian Institute of Modern Arbitration
- Vienna International Arbitral Center (VIAC)

Representative Matters

- **Aviation**
 - Mediated numerous contractual cases involving leasing disputes
 - Mediated numerous contractual cases involving various supply chain issues, between airlines and OEMs as claimants
 - Mediated numerous contractual cases involving aircraft sales/trading
- **Business Commercial**
 - Arbitrated ICC-administered dispute involving breach of contract by Japanese conglomerate in acquisition of US-based designer of sleeping devices
 - Mediated dispute involving French multinational seeking recovery of investment from Brazilian entity in failed joint venture to exploit claimant's patented process for assembling wind turbine towers
 - Mediated dispute between Dutch and US companies involving competing

- contractual rights to sub-license technology developed by non-party patent holder
 - Mediated global family business disputes, including succession
 - Served as arbitrator on consumer matter involving alleged violations of terms of use and intentional interference with contracts
 - Served as arbitrator on consumer matter alleging violations of a state finance act
 - Mediated a wide variety of contract matters including breaches of settlement agreements, distributorship agreements, employment contracts and contract termination
 - Served as a business consultant on a project for a Top 10 pharmaceutical company assisting in the communication of production solutions between the corporate headquarters (French company) and a production facility of its US subsidiary, located in the US
 - As a business consultant, worked directly with senior counsel at a Big Three pharmaceutical wholesaler to develop a comprehensive conflict resolution platform for external disputes
- **Financial Markets**
 - Mediated to settlement Brazilian anti-trust authority mandate for vertically-integrated monopolist (monopolist on exchange, clearing, and custodian levels) to accommodate viable entry of competition into the marketplace. This was a historic agreement that changed the nature of the US\$1 trillion Brazilian securities market
 - Served as mediator in US\$100+ million U.S. IPO of foreign telecommunications company: redressing toxic interplay among global investment banker and in-house legal and external local and international legal teams. Ultimately, designed internal dispute resolution system assuring successful continuation of IPO
 - Served as chair, arbitrator or as mediator in dozens of cases involving investor complaints against broker-dealers related to the sale of unsuitable products (including derivatives), fraud and other allegations
 - Served as mediator in cases involving secured debt restructuring with major financial institutions
 - Served as mediator in dozens of cases involving consumer claims against commercial banks for consumer policy malfeasance Consulted on matters involving shareholder rights and valuation, including dissolutions, minority share valuations upon sale, disputes involving private equity transactions
 - Arbitrated a number of FINRA securities matters, including issues of expungement
 - As a business consultant, worked on the financial restructuring of businesses, involving major global banks
 - As a business consultant, worked on corporate financing projects for companies specializing in devices/systems for decentralized molecular diagnostics, real-time monitoring of patients' metabolic state and fertility detection
- **Insurance**
 - Mediated to settlement a single US\$600 million limit of liability coverage claim on a US\$7 billion loss involving numerous insurers and reinsurers from multiple jurisdictions. The week-long mediation sessions included 56 participants managed by a single mediator
 - Mediated numerous cases involving coverage claims in areas of art theft, real estate, landlord-tenant, mining and natural disaster property damage and loss
 - Mediated a dispute involving alleged fraud by an insurance broker in connection with the procurement of two policies on a maritime vessel

- As a business consultant, worked on several projects with major hospital systems which involved recouping erroneously rejected claims for Federal program and private insurance claims
- Mediated liability claim stemming from collision by a towfish, severing an oil drilling platform mooring line
- **Intellectual Property**
 - Mediated dispute between Chinese and US parties involving allegations of patent infringement
 - Mediated copyright infringement dispute between domestic parties involving copyright infringement of academic materials

Honors, Memberships, and Professional Activities

- Chair, Board of Advisors and Rules Standing Committee, the Hague Court of Arbitration for Aviation. 2022-2023
- Member, Advising Committee, U.N. Convention on International Settlement Agreements Resulting from Mediation, 2022-2023
- Member, Board of Advisors, Câmara Especial de Resolução de Conflitos em Reestruturação de Empresas (CamCMR), Centro de Mulheres na Reestruturação Empresarial (CMR) [The Women's Center of Business Restructuring], 2022
- Distinguished Fellow, International Academy of Mediators, 2021
- Member, Rules Committee ICC International Commercial Mediation Competition, 2021-2023
- Chair, Arbitration/Mediation Committee (new merged committee), International Law Section, Florida Bar, 2022-2023
- Chair, Mediation Committee, International Law Section, Florida Bar, 2020-2022
- Member, National Academy of Distinguished Neutrals, Florida Chapter, 2020-2023
- International Bar Association
 - Advisory Board Member 2022-2023
 - Advisory Board Chair 2021
 - Co-Chair, Mediation Committee, 2019-2020
- Past President, French-American Chamber of Commerce of Florida, 2018-2020
- Chair, Florida Chapter, Chartered Institute of Arbitrators (CIArb) North America Branch, 2019-2020
- Fellow, CIArb (UK), 2017-2023
- Member, CBAR - Brazilian Arbitration Committee
- Member, Miami International Arbitration Society, 2014-2023
- Expert Assessor, CDRC Vienna: IBA-VIAC Mediation and Negotiation Competition, 2016-2019
- Operating Committee, CDRC Vienna 2018-2021
- Submissions Judge, CONIMA - CBAME, 2015-2019
- Judge, CAMARB Mediation Competition 2018
- Judge and Mediator, International Chamber of Commerce (ICC) International Mediation Competition, 2016-2023
- Member Local Organizing Committee, Global Pound Conference: Miami, 2016-2017

Bar Admissions

- New York

Selected Presentations, Speaking Engagements, and Trainings Delivered

- Guest Speaker, *Conflicts and their Resolutions: A Global Adventure Through Time*, Honors Social Science Methods/Theory Course, University of Texas, October 2021
- Panelist, *International Perspectives on Commercial Mediation*, ILS Virtual Panel Series Novos Rumos Da Mediação Comercial Internacional, August 2021
- Moderator, IBA annual conference, *Mediation of International Commercial Disputes Pitfalls, Risks and Opportunities*, November 2020
- Panelist, *The Implication of the Recently Signed Singapore Mediation Convention for Australian Practitioners*; ILS International Law and Practice Course 2019 lecture; Sydney, Australia; August 2019
- *Resolving Art Disputes: Solutions for Stakeholders*. Panel Discussion Moderated during Art Basel Miami Beach, 2018
- CAMARB VIII Brazilian Competition in Business Arbitration and Mediation: Panelist on Opening Panel *The use of Mediation within Arbitration*. 2018
- GEMEP / CBAR 11 International Congress on Business Mediation. Panelist: *The Value-Added of Mediation* 2018

Selected Awards

- Recognized as a Best Lawyers "Best Lawyer in America" in Arbitration and Mediation, 2022-2024
- Listed as Excellent Mediator, Dispute Resolution Category, *Leaders League Brazil*, 2021-2022

Background and Education

- M.B.A., INSEAD, 1986
- J.D., Boston University School of Law, 1985
- B.A., International Relations, University of Pennsylvania, 1981

Nationality and Languages

Mr. Birnberg is a Citizen of the USA and has Permanent Residency status in Brazil. He speaks, reads, and writes on a fluent, professional level in English, French and Portuguese. He also speaks conversational Italian and Spanish.

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