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David W. Ichel is an arbitrator and mediator of complex commercial disputes and serves as a court-appointed Special Master. He retired on December 31, 2015 from Simpson Thacher & Bartlett LLP (New York), where he litigated a broad range of large-scale commercial litigation and advised corporate, association and individual clients for 37 years from 1978-2015. He also teaches Complex Civil Litigation at Duke Law School and the University of Miami Law School.

Professional

Managing Member

X-Dispute LLC

2016-Present: arbitrator, mediator and special master for complex civil disputes. Panels: AAA Commercial and ICDR rosters; Federal Arbitration, Inc. (FedArb); CPR International Institute for Conflict Prevention & Resolution; ARIAS-US. Fellow, Chartered Institute of Arbitrators (FCIArb) and Member, USCIB/ICC (2019-present). He has also been appointed to serve on numerous *ad hoc* arbitration tribunals.

Senior Lecturing Fellow

Duke University School of Law

Durham, North Carolina 27708

2011-Present: Teaches Complex Civil Litigation

Adjunct Professor

University of Miami School of Law

Coral Gables, Florida 33146

2018-Present: Teaches Large Scale Litigation

Partner 1985-2014

Of Counsel 2015

Associate 1978-1985

Simpson Thacher & Bartlett LLP

New York, New York 10017

Sample Arbitration Appointments:

Contract/ Commercial/ Mergers & Acquisitions: international corporate investor dispute with bank (party appointed); Am Law 50 law firm dispute with former partner (sole arbitrator); IP and contract dispute involving plant food inventor and food company (party appointed); beverage distributor termination dispute (party appointed); beverage product licensing dispute (party appointed); liquidation of partnership dispute (sole arbitrator); company dispute with IT consultant (party appointed); pharmaceutical acquisition and development dispute (party appointed).

Insurance: Representations & Warranties Insurance dispute (insurer party-appointed); Recall Insurance dispute (policyholder party appointed); Life Insurer dispute with Third Party Administrator (tribunal president); Property Insurance dispute concerning hurricane coverage (tribunal chair); Liability Insurance dispute concerning accidental death (insurer party appointed); Liability Insurance dispute concerning mass product liability exposure (insurer party appointed).

Sample Mediation Appointments:

Contract/ Commercial/ Mergers & Acquisitions: International dispute over acquisition agreement for resort properties; International fund liquidator's dispute with major accounting firm; residential mortgage backed securities bank portfolio acquisition dispute; state retirement fund dispute with bank over bond purchases; food processing company dispute with production machinery suppliers over contaminated foods; various company acquisition disputes; various executive employment termination disputes; class action against a large financial services company; investor actions alleging corporate/securities fraud; biotech investment banking fee dispute.

Insurance: Life Insurer market practices dispute with policyholders; multiple insurers construction and liability coverage dispute with policyholder and *inter se* over collapsed plant/warehouse roofing.

Education

Duke University School of Law (J.D. 1978), *cum laude*, Staff Editor, Duke Law Journal
Duke University (A.B. 1978), *summa cum laude*, *phi beta kappa*

Organizations

American Law Institute (1993-present)
Board of Visitors, Duke Law School (Chair 2009-15; Board Member 2002-present)
Advisory Committee, University of Miami Class Action & Complex Litigation Forum (2018-present); panelist (2017, 2018, 2019-20)
Editorial Board, *Judicature* (Chair: 2019-2020)
Mobilization for Justice Inc. (Chair 2000-02; Board Member 1996- January 2018; emeritus 2019-present)

ARIAS-US, Arbitrators Committee (2017-present)

Bar Admissions: New York, New Jersey, District of Columbia, U.S. Supreme Court, numerous U.S. Circuit and District Courts.

Publications:

"A Bridge Too Far? An Expert Panel Examines the Merits and Faults of Third- Party Litigation Financing," 103 *Judicature* 33 (Fall 2019); P.Halprin, D.Ichel and P. Rosen, "Introducing the ARIAS-US Panel Rules for Resolution of Insurance and Contract Disputes", Mondaq (October 12, 2019); "Has Shoe Run Its Course: How will recent Supreme Court decisions on personal jurisdiction impact the legacy of International Shoe and the future of complex litigation?", 103 *Judicature* 64 (Spring 2019); "A New Guard at the Courthouse Door: Corporate Personal Jurisdiction After the Supreme Court's Decision Quartet," 71 *Rutgers L.Rev.*1 (2018); Comparing Policyholder Arbitrations to Reinsurance Arbitrations, ARIAS-US Quarterly (Q2-2018) (with Carlos A. Romero, Jr.). Panelist at ARIAS--US Fall 2018 and Fall 2019 Conferences on "Expanding ARIAS-US to Policyholder and other Direct Insurer Disputes."; B. Ostrager & D. Ichel, "Should the Business Insurance Policy Be Construed Against the Insurer? Another Look at the Reasonable Expectations Doctrine," 33 *Federation Ins. & Corp. Counsel Q* 273 (Spring 1983); "The Role of Bargaining Power Evidence in the Construction of the Business Insurance Policy: An Update," 18 *Forum* 577 (Summer 1983)

Expert Appointment:

Served as an expert on New York legal fees in *Summers Laboratories, Inc. v. Zylera Pharmaceuticals, LLC*, Case No. 3:17-CV-00876 (M.D.N.C.) (2018) (declaration).