



Gary Birnberg, Esq., FCI Arb

Case Manager

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Gary Birnberg is available to conduct cases virtually. JAMS is equipped to provide virtual ADR services on a variety of online platforms, including Zoom, Microsoft Teams, WebEx, and more.

Biography

Gary Birnberg, Esq., FCI Arb is a seasoned ADR professional, specializing in the resolution of a diverse array of commercial matters both domestic and international. He has served as mediator, arbitrator, or special master in hundreds of disputes and is known for employing his legal acumen and business skills to quickly grasp the facts in complex cases. He is appreciated by attorneys and clients for his ability to nurture trust and for the determination and creativity that he employs to find common settlement ground among the parties.

Mr. Birnberg also brings to the table significant, hands-on business expertise. Prior to joining JAMS, he provided strategic and business consulting services to companies in numerous sectors, including life sciences, industrials, technology and communications, energy, consumer goods and aviation, among others. Additionally, he provided consulting services to companies related to global business initiatives, such as creating and executing distribution expansion strategies. This experience greatly assists Mr. Birnberg in understanding the needs of cross-border, disputing business parties and assisting them in negotiating mediated workarounds and agreements. He is a sought-after speaker and trainer in various areas of ADR. Recently, he single-handedly mediated to settlement a US\$600 million limit of liability insurance claim in an international, multi-lingual mediation with more than 50 participants, including insured, insured's institutional shareholders, numerous insurers and re-insurers, and attorneys for all direct and interested parties.

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. He is active within the international legal community, staying

current on local and international issues to continue his growth and expertise as a neutral.

Download General Biography in Portuguese

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.

Experienced as a mediator and arbitrator in the resolution of high-value, complex, international, cases in the areas of:

- Commercial contracts
- Insurance / Reinsurance
- Franchise disputes
- Art disputes
- Sports & entertainment disputes
- Real estate development and construction
- Intellectual property
- Oil & Gas
- Securities
- Maritime
- Real estate transactions
- Investments
- Family business
- Shareholder disputes
- M&A
- Private equity disputes
- Employment

Representative Matters

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 scores of 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

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 to settlement dozens of commercial cases in which the agreement of an insurance company was

necessary for settlement

- Legal practice experience in medical malpractice cases involving insurance companies.

Life Sciences

- Major consulting project for a Top 10 pharmaceutical company involving production
- Worked directly with senior counsel at a Big Three pharmaceutical wholesaler to develop a comprehensive conflict resolution platform for external disputes
- Designed export distribution system to access major new national market previously closed to U.S. imports
- Designed Brazilian import/assembly/distribution system for U.S.-based medical ventilator company
- Designed U.S. import distribution system for foreign designer/manufacturer of medical furniture
- Set up Brazilian distribution system for French company offering soft-tissue recovery devices for health and cosmetics
- Worked on corporate financing projects for companies specialized in devices/systems for decentralized molecular diagnostics, real-time monitoring of patients' metabolic state and fertility detection
- Worked on several projects with major hospital systems which involved recouping erroneously rejected claims for Federal program and private insurance claims

ADR panel appointments with multiple organizations including:

- ADR Agency For Dispute Resolution (Los Angeles)
- 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
- CAMRJ Maritime Arbitration Chamber of Rio de Janeiro
- CBMA - Brazilian Center of Mediation and Arbitration (Rio de Janeiro)
- CCFB Mediation Center of the Chamber of Commerce France-Brazil (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)
- 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
- Russian Arbitration Center at Russian Institute of Modern Arbitration
- Vienna International Arbitral Center (VIAC)

Honors, Memberships, and Professional Activities

- Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS
- Member, National Academy of Distinguished Neutrals, Florida Chapter, 2020
- Co-Chair, International Bar Association, Mediation Committee, 2019-2020
- Immediate Past President, French-American Chamber of Commerce of Florida
- Chair, Florida Chapter, Chartered Institute of Arbitrators (CIArb) North America Branch, 2019-2020
- Fellow, CIArb (UK)
- Member, CBAR - Brazilian Arbitration Committee
- Member, Florida Association of Professional Mediators
- Member, International Bar Association and its Mediation Committee
- Chair, International Law Section, Mediation Committee, Florida Bar, 2020-2021
- Member, International Law Section, Mediation Committee, Florida Bar
- Member, Miami International Arbitration Society
- Member, University of Pennsylvania Alumni Interview Program
- 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, 2016-2020
- Member Local Organizing Committee, Global Pound Conference: Miami, 2016-2017

Bar Admissions

- District of Columbia (inactive)
- Massachusetts (inactive)
- Minnesota (inactive)
- New York

Selected Presentations, Speaking Engagements, and Trainings Delivered

- 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
- ICFML Webinar: Best Practices in Mediation Advocacy
- CDRC - Vienna: Training co-delivered on Multicultural Mediation 2017 and 2018
- CAMRJ in association with CAMP (Paris Maritime Arbitration Chamber) Training in Commercial Arbitration in Maritime Activities
- Catholic University of São Paulo - Guest Lecturer : *Mediation and International Business: New Practices in Conflict and Dispute Resolution*
- CBMA - Commercial Mediation Training Course. *Commercial Mediation in the USA*
- CCFB - Seminars in Mediation Advocacy, Mediation for Executives, and Advanced Mediation Workshop
- CMAP – CCFB - Commercial Mediation Training Course
- CONIMA (National Council of Arbitration and Mediation Institutions) - 2015 CBAME - Brazilian Convention for Business Arbitration and Mediation. Panelist: *Opening Session and Mediation in Intellectual Property*
- Milton Campos Law School - *The Role of Mediation in Brazilian Society*
- OAB-MG Bar Association of Minas Gerais: I Congress of Mediation and Conciliation: *Mediation Advocacy: How Attorneys can Rise to the Challenge*
- Private Equity World Latin America 2015 - Panel: *The Exit Debate - Corporate Acquisitions, Secondary Deals, and Non Traditional Paths*

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.

Events

- February 26, 2021
The Future of ADR: Virtual is Here to Stay
<https://www.jamsadr.com//events/2021/the-future-of-adr-virtual-is-here-to-stay>
- February 9, 2021
Confronting Chaos, Embracing Conflict: The Time for Collaborative ADR in Latin America is Now

<https://www.jamsadr.com//events/2021/confronting-chaos-embracing-conflict-the-time-for-collaborative-adr-in-latin-america-is-now>

- July 30, 2020
Expanding the Dispute Management Toolbox: Keeping Your Clients Engaged and Profitable in Times of Crisis
<https://www.jamsadr.com//events/2020/expanding-the-dispute-management-toolbox-to-keep-your-clients-engaged-and-profitable-in-times-of-crisis>
- June 30, 2020
The Imperative of Conflict Prevention: How Does This Change Your Practice
<https://www.jamsadr.com//events/2020/the-imperative-of-conflict-prevention-how-does-this-change-your-practice>
- February 28, 2020
iLaw2020 – The ILS Global Forum on International Law
Miami, FL, USA
<https://www.jamsadr.com//events/2020/ilaw2020-the-ils-global-forum-on-international-law>
- November 15 - 16, 2019
17th Annual Advanced Mediation and Advocacy Skills Institute
Houston, TX, USA
<https://www.jamsadr.com//events/2019/17th-annual-advanced-mediation-and-advocacy-skills-institute>
- November 6 - 8, 2019
III CBMA International Congress of Mediation
Rio de Janeiro, Brazil
<https://www.jamsadr.com//events/2019/iii-cbma-international-congress-of-mediation>
- September 22 - 27, 2019
International Bar Association: Annual Conference Seoul 2019
Seoul, South Korea
<https://www.jamsadr.com//events/2019/international-bar-association-annual-conference-seoul-2019>
- August 08, 2019
The Singapore Convention: “Life After 7 August 2019” A Global Think Tank
Singapore, Singapore
<https://www.jamsadr.com//events/2019/the-singapore-convention-life-after-7-august-2019-a-global-think-tank>
- May 3 - 5, 2019
CIArb & CPR Joint International Arbitration Training - Detroit
Detroit, MI, USA
<https://www.jamsadr.com//events/2019/ciarb-cpr-joint-international-arbitration-training-detroit>

Publications

- October 15, 2020
The Singapore Convention and the JAMS/SCMC Joint Mediation Panel
<https://www.jamsadr.com//blog/2020/the-singapore-convention-and-the-jams-scmc-joint-mediation-panel>
- March 23, 2020
The Business Case for Neutral Facilitation in the Days of the Coronavirus (COVID-19)
<https://www.jamsadr.com//blog/2020/the-business-case-for-neutral-facilitation-in-the-days-of-the-coronavirus-covid-19>
- November 25, 2019
The Singapore Convention: A Path To Advance International Economic Development With Mediation
<https://www.jamsadr.com//files/uploads/documents/articles/birnberg-newyorklawjournal-the-singapore-convention-a-path-to-advance-international-economic-development-2019-11-25.pdf>
- August 5, 2019

Singapore Convention Brings Big Changes for Litigators and Arbitrators

<https://www.jamsadr.com//blog/2019/singapore-convention-brings-big-changes-for-litigators-and-arbitrators>

- July 16, 2018
ADR and the Solomonic Solution
Law 360
<https://www.jamsadr.com//files/uploads/documents/articles/birnberg-law360-adr-and-the-solomonic-solution-2018-07-16.pdf>
- November 2017
Leveraging Mediation to Increase Revenue and Broaden Your Client Base
Daily Business Review
<https://www.jamsadr.com//files/uploads/documents/articles/birnberg-dailybusinessreview-leveraging-mediation-to-increase-revenue-and-broaden-your-client-base-november-2017.pdf>

Practice Areas

- Arbitration
- Business/Commercial
- Class Action/Mass Tort
- Construction
- Employment
- Energy & Utilities
- Entertainment & Sports
- Financial Markets
- Insurance
- Intellectual Property
- Life Sciences
- Personal Injury/Torts
- Professional Liability
- Real Property

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