



# Gary Birnberg, Esq., FCI Arb

## 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 is a Florida Supreme Court Certified Circuit and Appellate mediator admitted to the Bar in four U.S. states, including New York and the District of Columbia, and a Fellow of the Chartered Institute of Arbitrators. He has served as an arbitrator or mediator and sits on panel lists maintained by institutions worldwide, including CAM-CCBC, ICC, ICDR, and JAMS. 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 56 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
- Disputes involving Art
- Sports & Entertainment Disputes
- Real state 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

- Involving shareholder rights and valuation, including dissolutions, minority share valuations upon sale
- Disputes involving Franchisors and Franchisees, including intellectual property, misrepresentation, and early termination
- A series of disputes involving early termination of Franchisees
- Insurance and reinsurance disputes
- Disputes involving Real Estate development
- Disputes involving private equity transactions
- Asbestos claims
- Consumer disputes
- Matters arising from corporate transactions, including M&A, in domestic and cross- border cases
- Coordinating efforts, as a mediatory project manager, for a multinational, multidisciplinary team working on an international IPO valued at U.S. \$130 million
- Multi-party matters involving complex liability, including with maritime cases
- Matters related to financial restructuring, involving major global banks
- Family business disputes, including succession
- Patent and Trademark infringement, including industrial design
- Cross-border probate

### 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
- 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
- FINRA
- Russian Arbitration Center at Russian Institute of Modern Arbitration

## Honors, Memberships, and Professional Activities

- Co-Chair, International Bar Association, Mediation Committee, 2019
- Chair, French-American Chamber of Commerce of Florida
- Fellow, Chartered Institute of Arbitrators (UK)
- Member, CBAR - Brazilian Arbitration Committee
- Member, Florida Association of Professional Mediators
- Member, International Bar Association and its Mediation Committee
- Member, International Law Section, Florida Bar and its Mediation Committee
- Member, Miami International Arbitration Society
- Member, University of Pennsylvania Alumni Interview Program
- Expert Assessor, CDRC Vienna: IBA-VIAC Mediation and Negotiation Competition, 2016-2018
- Operating Committee CDRC Vienna 2018-2019
- Submissions Judge, CONIMA - CBAME, 2015-2019
- Judge CAMARB Mediation Competition 2018
- Judge and Mediator, ICC (International Chamber of Commerce) International Mediation Competition, 2016-2019
- Member Local Organizing Committee, Global Pound Conference: Miami, 2016-2017

## Bar Admissions

- District of Columbia
- Massachusetts
- Minnesota
- 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.

## Counsel Comments

- *"It was a very productive day with a successful outcome, which I attribute to [Mr. Birnberg's] skills. I enjoyed working with [Mr. Birnberg] on this and will certainly request [his] assistance in the future as the need arises. Thanks for the professionalism, skill and good nature. It all helped get [the case] resolved."*
- *"He is persistent and creative. If a settlement is possible, he will make it happen."*
- *"I have worked with many of the best mediators in this city. Nobody is more effective than Gary."*  
**- Litigator/Partner of Miami-based Law Firm**
- *"How did you do that?"*  
**- The identical comment of several attorneys who went through successful mediations with Mr. Birnberg that they anticipated would never settle**
- *"Agradeço imensamente pela liderança e habilidade em nos conduzir em processo tão complexo"*  
**Translation: "I thank you immensely for your leadership and ingenuity in directing us through such a complex process"**
- *"It was a great week. You truly did an amazing job. Big egos, big pockets... you did amazing to get it done"*
- *"Fiquei absolutamente encantado com a maneira muito habilidosa como conduziu um conflito tão complexo subjetiva e objetivamente"* **Translation: "I was absolutely enchanted with the skilled, unbiased manner in which you conducted [this mediation based on] such a complex and subjective conflict"**

## News

- August 6, 2019  
**JAMS, Society of Mediation Professionals (Singapore) to Host Interactive Think Tank in Celebration of Singapore Convention**  
<https://www.jamsadr.com/news/2019/jams-society-of-mediation-professionals-singapore-to-host-interactive-think-tank-in-celebration-of-singapore-convention>
- February 16, 2017  
**International Arbitrator & Mediator Gary Birnberg, Esq. Joins JAMS in Miami**  
<https://www.jamsadr.com/news/2017/international-arbitrator-mediator-gary-birnberg-esq-joins-jams-in-miami>

## Events

- 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>
- December 4, 2018  
**Art Law Symposium - Resolving Arts Disputes: Solutions for Stakeholders**  
Miami, FL  
<https://www.jamsadr.com//events/2018/art-law-symposium-resolving-arts-disputes-solutions-for-stakeholders>
- February 25 - 26, 2018  
**21st Annual IBA Arbitration Day: the Rule of Law Created by International Arbitrators**  
Buenos Aires, Argentina  
<https://www.jamsadr.com//events/2018/21st-annual-iba-arbitration-day-the-rule-of-law-created-by-international-arbitrators>

## Publications

- 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>

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