

**MARK J. BUNIM**  
**CASE CLOSURE, LLC.**  
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**Current Employer-Title** Case Closure LLC – Founder and Managing Director

**Profession** Attorney, Arbitrator, Mediator

### **Work History**

Founder/Managing Director, Case Closure LLC, 2005 – Present; Partner, Bryan Cave LLP (Co-Director of Risk Management Litigation), 2002 – 2005; Partner, Robinson Silverman Pearce Aronsohn & Berman (Head of Insurance Litigation), 1996 – 2002; Managing Partner, Ohrenstein & Brown, 1983 – 1996; Trial Attorney, O'Melveny & Myers; 1977 – 1979; Special Assistant Attorney General, Office of New York State Special Prosecutor, 1975 – 1977.

### **Experience**

Experience in domestic and international insurance litigation, arbitration and mediation of all insurance policy types including general liability, property, construction, employment practices, supply-chain, business interruption, Directors and Officers, Rep. and Warranty, Professional Liability, Life, Disability and Workers Comp. Arbitrated and mediated many insurance industry business disputes between insurers and MGAs; brokers and agents. Have also arbitrated and mediated non-insurance general commercial cases and partnership dissolution disputes and family business disputes.

## **Panels**

Fellow of the College of Commercial Arbitrators; Member of the A.A.A. Commercial Large Complex Case Panel; AAA regular Commercial Panel; AAA Mediation Panel; the commercial and mediation panels of FedArb; the Commercial Division of the Supreme Court of the State of New York mediation panel; the New York and the New Jersey Storm Sandy Mediation panels; and the panel of the National Academy of Distinguished Neutrals (NADN) and New York Mediators.

## **Bar Activity**

Co-Chair of the NY State Bar Assn. Insurance Dispute Resolution Committee ( 2021-); Member of the Executive Committee the Dispute Resolution Section of the New York State Bar Association (2017-); Chair of the NY State Bar Assn. Dispute Resolution Section Legislation Committee (2017-2021); Member of the Arbitration Committee of the New York City Bar Association.

## **Representative Arbitrations**

### INSURANCE

- Arbitrator in multiple Rep. and Warranty Insurance (RWI) disputes arising out of M&A transactions.
- Arbitrator in a large Subcontractors Default Insurance policy coverage dispute involving the construction of a New York City office tower.
- Arbitrated workers compensation insurance program premium reimbursement dispute.
- Arbitrated group insurance program cancellation involving large manufacturing company and insurer and State Insurance Department.
- Arbitrated dispute between insured and multiple insurers over the applicability of triggering conditions and exclusions in a manuscript business interruption/ supply chain policy.
- Arbitrated dispute between co-insurers over responsibility for payment of loss.
- Arbitrated dispute between insurer and broker concerning alleged misrepresentations in the scope of risk.
- Arbitrated dispute between Insurer and MGA regarding termination of relationship issues.
- Arbitrated dispute between primary and excess insurer over excess carrier's coverage defenses.
- Arbitrated legal malpractice and accountants' malpractice insurance disputes.
- Arbitrated dispute between law firm and former partner regarding insurance coverage.
- Arbitrated a physicians group reimbursement claim against an insurer.
- Arbitrated dispute between health insurer and agent over alleged marketing misrepresentation scheme.

- Arbitrated maritime dispute between insurer and agent regarding alleged misrepresentation of risk.
- Arbitrated dispute between nursing homes and insurer regarding premium reimbursements.
  - Arbitrated dispute between national senior living provider and property management company regarding “tail” insurance coverage.
- Arbitrated life insurer vs. former agency dispute.
- Arbitrated D & O coverage dispute between insured and multiple insurers.
- Arbitrated dispute between insured and insurer involving credit line insurance.
- Mediated directors and officers coverage dispute involving a Federal Grand Jury Investigation against a prominent company
- Mediated employment coverage disputes between insurer and securities brokerage company.
- Mediated insurance coverage under an Admiralty policy for lost goods in China.
- Mediated title insurance coverage dispute involving New York City commercial property.
- Mediated legal malpractice claims involving land purchase agreement.
- Mediated an insurance coverage dispute arising out of a property damage loss in lower Manhattan, to a significant commercial property, resulting from the collapse of the World Trade Center.
- Mediated a multi-million-dollar dispute between a primary insurer and excess layers and reinsurers of excess layers, both domestic and foreign, as to percentage allocation of loss for foreign-based multiple explosions.
- Mediated a denial of disability benefits to the senior partner of a large national law firm.
- Mediated a long-term disability claim by a Wall Street trader who claimed permanent disabling injuries.
- Mediated numerous life insurance claim denials where the insurer was claiming misrepresentation in the application process.
- Mediated a dispute between many layers of competing insurers as to which policies were responsible for a large personal injury loss.
- Mediated resolution of an insurance coverage dispute for a restaurant/bar’s liability for personal injuries, including permanent paraplegic injury, involving use of a structured settlement.
- Mediated property damage claims involving condos and private residences.
- Mediated a construction accident group of cases involving injured workers and various contractor/ sub-contractor allocation issues.
- Mediated an insurance coverage dispute between the officers of an auto warranty business and their D&O insurer involving coverage for a shareholder suit.
- Mediated professional liability coverage matters.
- Mediated life insurance benefit allocation coverage cases.
- Mediated environmental policy coverage dispute involving land and water pollution.
- Mediated commercial property fire damage loss disputes.
- Mediated New Jersey School District contractual dispute with former official.
- Mediated coverage dispute on an advertising injury claim.
- Mediated Directors and Officers coverage disputes involving Hedge Funds and Private Equity entities.
- Mediated dispute between insurer and TPA over administration of a nationwide program.
- Mediated numerous legal malpractice matters.

## COMMERCIAL DISPUTES

- Arbitrated construction dispute between owner and contractor involving delays, defects and claims of contractual non-compliance.
  - Arbitrated international private club dispute with outside financial service company.
- Arbitrated fee payment disputes between a litigation expert team and retaining companies.
  - Arbitrated breach of fiduciary duty claim against financial advisor.
- Arbitrated dispute between two competitors over domestic and international retail products' rights and customer exclusivity.
- Arbitrated a dispute between brothers over dissolution of a family group of businesses.
- Arbitrated family real estate business control dispute.
- Arbitrated consumer civil right complaint against a finance company.
- Arbitrated employee claims of harassment against former employer.
- Arbitrated law firm fee disputes.
- Arbitrated legal malpractice claims.
- Arbitrated franchise termination disputes
- Arbitrated Federal Communications Law matters
- Arbitrated health industry employment dispute
- Arbitrated cyber-data breach claim
- Arbitrated real estate partnership dispute
- Arbitrated claims regarding dissolution of a multi-million dollar family-owned business
- Arbitrated Preliminary Injunction hearing regarding the break-up of a closely held corporation
- Arbitrated dispute between a nursing home conglomerate and its outside management company
- Mediated claim by former employee against pharmaceutical company regarding buyout/ ownership of intellectual property
- Mediated environmental malpractice claim against engineering company
- Mediated partnership breakup in the technology industry
- Mediated land contamination case against co-op building
- Mediated claim against former directors and officers of an internet company by creditors of that company, for negligent management practices.
- Mediated dispute between one of the nation's largest internet service providers and a large business customer concerning alleged breach of contractual terms for the speed of internet service and private cloud storage capacity issues.
- Mediated claim by secured trade lender against former customer for misrepresentation of assets.

- Mediated claim by purchasers of a business against sellers/employees for misrepresentation and over-evaluation.
- Mediated claim by purchasers of an office complex against sellers, regarding the viability of tenant leases.
- Mediated a claim by a web-based program “reseller-licensee” against licensor regarding compliance with contractual terms involving quotas.
- Mediated a Class Action shareholder suit involving a stock buy-back undervaluation claim.
- Mediated a multi-million-dollar dispute between executors of an estate where the deceased left stock to be distributed to charities and the co-executors disagreed as to which charities would be recipients.
- Mediated an accountant liability claim arising out of undetected defalcations.
- Mediated Seller/Buyer commercial real estate disputes.
- Mediated multiple business dissolution cases among family members and related partnership disputes.
- Mediated law firm, accounting firm and other professional entity dissolutions.
- Mediated estate and trust matters involving beneficiary claims.
- Mediated an accountant liability claim involving allegations of negligent preparation of financial statements and projections.
- Mediated a claim against a financial advisor resulting from the recommendation of faulty investments.
- Mediated an equipment suitability dispute between a manufacturer, distributor and end-user.
- Mediated sibling dispute concerning care of parents and sibling financial dealings.
- Mediated commercial construction professional engineering malpractice claim.
- Mediated a software company/licensee dispute.

### **Alternative Dispute Resolution Training**

ACE20 - Cyber Security: A Shared Responsibility, 2020; AAA/ICDR/AAA Mediation.org Panel Conference, 2019; Arbitrator Performance and Demeanor ~ Meeting Participant Expectations, 2018; AAA Addressing the Challenges of Demanding Arbitrations: Part 2 ~ The Hearing Phase, the Award, and Beyond, 2017; AAA What's In and What's Out: Recent Developments In Arbitral Jurisdiction, 2016; AAA Imposing Sanctions in Arbitration: Just How Far Can You Go?, 2015; AAA Arbitration Awards: Safeguarding, Deciding & Writing Awards, 2014; AAA Arbitration Fundamentals and Best Practices for New AAA Arbitrators, 2014.

### **Professional Licenses**

Admitted to the Bar: New York (1976); U.S. District Court: Southern and Eastern Districts of New York (1976); U.S. Circuit Court of Appeals (1983); U.S. Supreme Court (1987).

## **Education**

Rutgers University School of Law (J.D.-1975); New York University, (B.A., summa cum laude-1971).

## **Publications**

“Insurance Mediation: Is It Time to Return to the Good Old Days?”, N. Y. Law Journal, April 19, 2022.

“The New York Court of Appeals Overturns the Appellate Division’s Ruling Regarding Functus Officio”; Practical Law, May 2020.

" Practice and Procedure in US Insurance Arbitration"; Practical Law, Thomson/Reuters, January 2018.

" When States Prohibit Dispute Resolution"; Dispute Resolution Journal of the American Arbitration Assn., Vol. 71, No. 1, 2016.

"Solving the Insurance Allocation Dilemma"; NY Law Journal, September 15, 2015.

"The Second Circuit Curtails the Manifest Disregard Argument"; NY Law Journal, February 6, 2015.

"Insurance Broker Exposure; A New Day in New York"; NY Law Journal, Outside Counsel column, April 24, 2014.

"The Ten Commandments for a Successful Mediation"; Litigation Management Magazine, Fall 2012.

"A Twist in Standard Mediation: The Insurer is at the Table"; NY Law Journal July 29, 2010, Pg. 1.

"Mediation of Estate and Commercial Family Disputes"; NY Law Journal, January 14, 2010, Pg. 1.

## **Speaking Engagements**

Mark Bunim has spoken at meetings, conventions, and seminars around the country on ADR and insurance issues, i.e. The ExecuSummit Bad Faith Litigation Summit, 2015; The Claims and Litigation Management Annual Convention in New Orleans, La., March 2011; The New York State Bar Assn. Elder Law meeting, White Plains, N.Y., November 2010; The New York State Bar Association Dispute Resolution Section Annual Meeting, January 2009 and the Fall Meeting 2021; the American Bar Association. Insurance Coverage Section meeting in Tucson, AZ. 2007; and has appeared on radio, television and in the press, talking about risk management and insurance coverage and recovery and Structured Settlements. Appeared on Ringler Radio on multiple occasions.