

Gary Birnberg, Esq., FCIArb

Arbitrator | Mediator | Negotiation Facilitator JAMS — New York, Rio de Janeiro, São Paulo, Miami. Availability: In-person; Virtual

Professional Summary

Mr. Birnberg serves as an arbitrator, mediator, and negotiation facilitator in complex cross-border commercial disputes. His practice concentrates on insurance and reinsurance, aviation and aerospace, capital markets infrastructure, sports, entertainment, the arts, and complex business disputes generally. Mr. Birnberg has resolved, in the course of more than fifteen years of practice, over 1,100 cases representing aggregate amounts in the billions, conducting proceedings in English, French, and Portuguese.

Subject-Matter Specialties

Insurance and Reinsurance

Mr. Birnberg mediates large-scale property and operational risk programs, layered and follow-form excess towers, facultative and treaty reinsurance disputes, aggregation and trigger issues, and cross-border allocation matters. He is widely engaged in catastrophic-loss recoveries.

Aviation and Aerospace

Mr. Birnberg arbitrates and mediates disputes arising in commercial aircraft leasing, engine and component supply, maintenance, repair and overhaul (MRO) of fixed- and rotary-wing aircraft, defense-contractor joint ventures, and matters involving original equipment manufacturers. He chairs the Board of Advisors of The Hague Court of Arbitration for Aviation.

Capital Markets Infrastructure and Competition

Mr. Birnberg has acted in matters involving exchange-clearing-custodian access, structural antitrust remedies, and the design of post-determination market frameworks.

Sports

Mr. Birnberg arbitrates and mediates governance, commercial-rights, and event-administration disputes within the global sports community. He sits on the mediation list of the Court of Arbitration for Sport.

Arts and Intellectual Property

Mr. Birnberg arbitrates and mediates disputes involving authentication, attribution, archival rights, and intellectual-property claims arising in the art, entertainment, and

academic-publishing sectors. He sits on the arbitration and mediation panel of the Court of Arbitration for Art.

Business and Commercial; Financial Markets and Regulation

Mr. Birnberg additionally arbitrates and mediates business and commercial disputes, including cross-border M&A and joint-venture disagreements; broker-dealer, supervisory, and securities-sales matters administered by FINRA over a ten-year tenure; and structured loan-modification and mortgage-remediation programs for major commercial banks.

Representative Matters

Insurance and Reinsurance

- Mediated to settlement a US\$600 million limit-of-liability coverage claim arising from a US\$7 billion loss, in a mediation with 56 participants conducted under the rules of a leading international institution and managed by a single mediator over the course of a week-long mediation.
- Mediated to settlement a US\$200 million limit-of-liability coverage claim arising from a January 2019 mining-dam catastrophe with more than 230 fatalities, concluded in two days of mediation in February 2025.
- Mediated numerous coverage claims in art theft, real estate, landlord-tenant, mining and natural-disaster property loss, and a maritime broker-procurement fraud claim.

Aviation and Aerospace

- Served as tribunal member in an ICC-administered arbitration between an international airline and a jet-engine manufacturer.
- Mediated, under ICC rules, a dispute concerning original-equipment-manufacturer selection in a large next-generation wide-body aircraft order.
- Served as an arbitrator in a joint-venture dispute proceeding between two aerospace companies established to design, develop, manufacture, and maintain a specialized aircraft.
- Mediated multiple aircraft and engine leasing disputes, supply-chain disputes between airlines and original equipment manufacturers, and aircraft sales-and-trading and MRO disputes.

Capital Markets and Financial Markets

- Co-mediated a Brazilian antitrust authority's mandate for a vertically-integrated monopolist — operating at the exchange, clearing, and custodian levels — to accommodate viable competition. The resulting historic agreement altered the structure of the US\$1 trillion Brazilian securities market.
- Mediated a US\$100+ million U.S. initial public offering by a foreign telecommunications company, addressing the interplay among the global investment banker and in-house, local, and international legal teams, and designed an internal dispute-resolution mechanism that secured continuation of the IPO.

- Served as chair, arbitrator, or mediator in dozens of investor matters against broker-dealers, including allegations of unsuitable products (including derivatives), fraud, and other claims.
- Served as arbitrator and mediator in FINRA securities matters, including expungement issues.

Sports, Arts, and Intellectual Property

- Served as sole arbitrator in a dispute between an international fitness enterprise and a talent aggregator concerning performance obligations, commission structures, and vesting.
- Mediated to settlement, over the course of one year, an international intellectual-property dispute concerning rights to archival materials assembled for a proposed catalogue raisonné of a major twentieth-century artist.
- Resolved a dispute between a global golf association and a tournament event.
- Mediated patent-infringement disputes between Chinese and U.S. parties.
- Mediated a copyright-infringement dispute concerning academic materials between domestic parties.

Business and Commercial

- Arbitrated, under ICC rules, a dispute arising from the cross-border acquisition of a U.S.-registered company by a Japanese strategic buyer.
- Mediated a recovery dispute between a French multinational and a Brazilian entity arising from a failed joint venture to commercialize a patented wind-turbine-tower assembly process.
- Mediated a sub-license dispute between Dutch and U.S. companies regarding technology held by a non-party patent owner.
- Mediated multiple global family-business disputes, including succession matters.

Institutional Roles and Leadership

- Chair, Board of Advisors, The Hague Court of Arbitration for Aviation, 2022–2026; concurrently Chair, Rules Standing Committee (Arbitration), with oversight of the Mediation Standing Committee.
- Member, Board of Directors of the JAMS Foundation, 2020–2026.
- International Bar Association, Mediation Committee: Co-Chair, 2019–2020; Advisory Board Chair, 2021; Advisory Board Member, 2022–2026.
- Advisory Council, The Mediation Hub Mena (Dubai).
- Member, Advising Committee, U.N. Convention on International Settlement Agreements Resulting from Mediation, 2022–2023.
- Member, Steering Committee, Divided Community Project, Ohio State University Moritz School of Law, 2025–2026.

ADR Panel Appointments

Mr. Birnberg has served, or continues to serve, on ADR panels maintained by the following institutions, among others: the Hague Court of Arbitration for Aviation; the Court of

Arbitration for Sport (mediation); the Court of Arbitration for Art (arbitration and mediation); the International Chamber of Commerce; the International Centre for Dispute Resolution; CAM-CCBC; CAMARB; CBMA; CIESP/FIESP; CMAA (Florianópolis); CMAP (Paris); CPR (New York); the CPR–CMAP joint panel for complex, high-value, bilingual, international commercial cases; FINRA; KCAB International; the Russian Arbitration Center; and the Vienna International Arbitral Center (VIAC).

Recent and Forthcoming Speaking and Publications (2024–2026)

- Panelist, “Assisting his/her Client AND Being Useful in the Mediation Process,” Union Internationale des Avocats UIAcademy / DPRLab, May 2026.
- Panelist, “International Trends and Local Developments,” Mediation Summit 2026, Dubai, 2026.
- Moderator, “2 Worlds Arbitration Conference,” New York, November 2025.
- Panelist, “Technical–Strategic Negotiation: Local and Global Business Solutions,” 1st CCAMI International Congress, São Paulo, October 2025.
- Speaker, “Commercial Mediation in Cross-Border Disputes,” 7th Shanghai–Hong Kong Commercial Mediation Forum, Shanghai, September 2025.
- Panelist, “Commercial Mediation and Arbitration,” Law Faculty of the Federal University of Minas Gerais, August 2025.
- Speaker, “Mediation Beyond Borders: Resolving Cross-Border Disputes in a Globalized World,” Mediation & Law IX International Forum, Kyiv (virtual), June 2025.
- Rapporteur, 2nd Brazilian Mediation Day: Global Edition, Pantheon-Assas, Paris, February 2025.
- Instructor, Master Class in Cross-Cultural Mediation, CCAMI Course for Mediator Training, online, October 2024.
- Panel Moderator, “Clearing for Takeoff: Exploring Arbitration’s Path in Airport Concessions,” XI CAM-CCBC Arbitration Congress and 17th IFCAI Biennial Conference, São Paulo, October 2024.
- Speaker, “Dispute Resolution: Mediation, Arbitration, Litigation,” 14th Annual McGill Conference on International Aviation Liability, Insurance and Finance, Montreal, September 2024.
- Panel Coordinator and Moderator, “Mediation in the Air,” IBA Annual Meeting, Mexico City, September 2024.
- Contributing Editor, *The Guide to Aviation and Space Disputes*, Global Arbitration Review (GAR), June 2024.
- Speaker, “The Use of ADR in Aviation,” Member Airline Legal Briefing Sessions, IATA World Legal Symposium, Vancouver, February 2024.
- Panelist, “Mediation in Aviation,” Hague Court of Arbitration for Aviation Annual Conference, The Hague, January 2024.

Selected Earlier Speaking

- Speaker, “Duty of Disclosure under Comparative Law,” English Arbitration Day, São Paulo Arbitration Week, October 2023.

- Panel Moderator, “Greener Grass or Scorched Earth: The Impact of Legislation and Court Reform on Arbitration Friendliness in the Americas,” Miami Arbitration Week, November 2023.
- 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, Sydney, August 2019.
- Moderator, “Resolving Art Disputes: Solutions for Stakeholders,” Panel Discussion during Art Basel Miami Beach, 2018.

Honors, Memberships, and Professional Activities

- Certified Mediator, International Mediation Institute (IMI).
- Distinguished Fellow, International Academy of Mediators, 2021–2026.
- Fellow, Chartered Institute of Arbitrators (UK), 2017–2026.
- Chair, Board of Advisors, The Hague Court of Arbitration for Aviation, 2022–2026.
- Member, Board of Directors, JAMS Foundation, 2020–2026.
- International Bar Association — Mediation Committee: Co-Chair, 2019–2020; Advisory Board Chair, 2021; Advisory Board Member, 2022–2026.
- Advisory Council, The Mediation Hub Mena (Dubai).
- Observer, Advising Committee, U.N. Convention on International Settlement Agreements Resulting from Mediation, 2022–2023.
- Member, Steering Committee, Divided Community Project, Ohio State University Moritz School of Law, 2025–2026.
- 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.
- Member, Rules Committee, ICC International Commercial Mediation Competition, 2021–2026.
- Chair, Arbitration/Mediation Committee, International Law Section, Florida Bar, 2022–2024.
- Chair, Mediation Committee, International Law Section, Florida Bar, 2020–2022.
- Past President, French-American Chamber of Commerce of Florida, 2018–2020.
- Chair, Florida Chapter, Chartered Institute of Arbitrators (CIArb) North America Branch, 2019–2020.
- Member, CBAR — Brazilian Arbitration Committee.
- Operating Committee, CDRC Vienna, 2018–2021.
- Judge and Mediator, ICC International Mediation Competition, 2016–2023.

Awards and Recognitions

- Recognized as a Best Lawyers “Best Lawyer in America” in Arbitration and Mediation, 2022–2026.

- Listed as Excellent Mediator, Dispute Resolution Category, *Leaders League Brazil*, 2021–2026.

Bar Admissions

- New York
- District of Columbia
- Massachusetts
- Minnesota

Education

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

Languages and Nationality

Mr. Birnberg is a citizen of the United States and a permanent resident of Brazil. He speaks, reads, and writes at a fluent, professional level in English, French, and Portuguese, and speaks conversational Italian and Spanish.