



(Please read Membership Criteria and on pages four and five before completing this application)

1. **Sponsor:**
2. **Co-sponsor:**
3. **Nominee Information** Include the following: Name, Firm, Address, City, State/Province
Zip/Postal, Country; Phone/Fax, and email

4. **Description of Nominee's Practice** (include information regarding the market in which the Nominee practices, eg., whether courts mandate mediation and how frequently mediation is utilized in that market)

5. Please attach the Nominee's current curriculum vitae, including mediation certifications, training, speaking, writing, teaching, and training.
6. **IAM Conference Attendance**
Please list the place and date of all IAM Conferences (live or virtual) attended by the Nominee:

7. **IAM Members Known.** Please identify any IAM members the Nominee knows

8. Mediation Experience

a. How many years has the Nominee served as mediator for compensation in commercial disputes? _____

b. How many days has the Nominee served as a mediator for compensation in commercial disputes?

i. In the past 12 months _____

ii. In the past 3 years _____

iii. in the Nominee's career _____

(Commercial disputes shall include a variety of business or economic conflicts as distinct from family, community, political, or public policy disputes. Commercial disputes do not include residential landlord/tenant or dissolution of marriage matters. A day is at least 4-6 hours or more, including preparation time.)

c. Please attach a description of any other mediation-related experience that the Nominee considers to be relevant to this nomination for membership (eg., mediation training, teaching, presiding over settlement conferences as a judge or magistrate, etc.).

9. References

Please list three references whom the Sponsors have contacted and submit summaries of each reference's comments along with this form. References should be counsel, parties, or party representatives with whom the Nominee has worked in a mediation session in the past year.

Name/Address/Phone/Email

Name/Address/Phone/Email

Name/Address/Phone/Email

10. Background

Has the Nominee ever been convicted of or are charges pending regarding a violation of any criminal law (other than minor traffic offenses), ethical, code of conduct, or disciplinary rules of any state government or provincial agency, bar association or private or public professional entity? _____

If yes, please explain status and/or resolution in an attachment.

Nominee Affirmation

The undersigned Nominee affirms and verifies that he or she has read and understands the information provided herein, and that the information is true and complete to the best of his or her knowledge, information and belief. Nominee also confirms that he or she understands this submission does not create any obligation on the part of the International Academy of Mediators to admit me as a member. If granted, membership is subject to the conditions of the IAM By-laws and Constitution, including but not limited to dues and conference attendance requirements.



Sept 17, 2021 _____

Nominee's Signature/Date

Sponsors' Affirmations

We the undersigned sponsor and co-sponsor of this Nomination, affirm that based on our personal knowledge and review of at least three professional references, the Nominee meets all the qualifications for membership in the IAM and accordingly, we are pleased to nominate _____ to become a Distinguished Fellow of the IAM immediately upon approval of this Nomination by the Board of Governors. (Please attach any additional comments regarding this Nomination that you believe will be helpful to the Board in reviewing the Nomination)

Sponsor's Signature/Date

Co-sponsor's Signature/Date

INTERNATIONAL ACADEMY OF MEDIATORS MEMBERSHIP CRITERIA

Overview

New IAM members will be admitted to membership in the Academy under the following guidelines:

- Membership is by **invitation only**
- Membership is limited to **professional commercial mediators** who are **well established and recognized** in their local or regional community as **leading mediators** in the field
- The IAM is dedicated to **inclusiveness** and **diversity** across a full spectrum
- The Membership and Recruiting Committees assist Academy members in identifying mediators who meet the criteria for invitation by the Board of Governors to join **Distinguished Fellows**

Criteria for Admission to Membership as Distinguished Fellow

Nominees for membership in the Academy in the **Distinguished Fellow** category must generally meet the following **minimum qualifications** with respect to **mediation experience**:

- in commercial mediation practice at least **5 years**, with corresponding certification for those mediators who practice in jurisdictions that have certifications for commercial mediation
- at least **a majority of their professional efforts** are dedicated to commercial mediation
- in developed markets, must have worked at least **300 - 600 commercial mediation days**
- in emerging markets¹, must have worked at least **150-300 commercial mediation days**
- in undeveloped markets², must have worked at least **50-100 commercial mediation days**
- **mediation days** consist of **at least 4 hours** of work focused on **mediation of commercial disputes** (including teaching, training or facilitating as well as mediating disputes and excluding days spent mediating pro bono, small claims and domestic relations matters)
- **alternative mediator experience** may be considered provided it is **substantially equivalent** (participation in mediations as party or counsel is not considered mediator experience)

¹ “Emerging” markets are those areas or regions where relatively fewer commercial disputes are mediated, in contrast with developed markets where the majority of commercial disputes get referred to mediation, whether by courts, counsel or parties. Factors include: the extent to which mediation is mandatory, the length of time mediation has been in use, the types of disputes that go to mediation and the numbers of mediators who practice on a full or substantial-time basis.

² “Undeveloped” markets are those areas or regions where mediation is just beginning to be utilized and thus very few commercial disputes are mediated and very few mediators practice on a full or substantial-time basis.

Membership Nomination Process

Invitations to join the Academy are issued only upon **approval** by the **Board of Governors** of a **Nomination** from a qualified **Sponsor** and **Co-sponsor**

- **Sponsors** must be **Distinguished Fellows** who have been **members** of the IAM **for at least two (2) years** or **who have attended at least four (4) conferences**
- **Nominations** are **submitted** to the Board of Governors **only from** qualified **Co-Sponsors** on a form that includes **attestations vouching** that the prospective new member is a ***pre-eminent distinguished or rising star mediator*** in their local community
- **Nominees for membership** are encouraged (not required) to **attend at least one live or virtual IAM conference** at the invitation of a member (any Fellow or Distinguished Fellow may invite with approval of the Recruiting Chair) before their Sponsors submit a Nomination on their behalf.
- **Mentees** in the Mentorship Program who have gained the **requisite experience** are encouraged to seek Sponsors for nomination as **Distinguished Fellows (generally including the Mentor)**



Gary Birnberg, Esq., FCI Arb

JAMS Mediator and Arbitrator

Case Manager

Lauryn Hall

T: 404-566-2157

F: 404-588-0905

600 Brickell Avenue, Suite 2600, Miami, FL 33131

lhall@jamsadr.com

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

Intellectual Property

- Arbitrated ICC-administered dispute involving breach of contract by Japanese conglomerate in acquisition of US-based designer of sleeping devices
- Mediated dispute between Chinese and US parties involving allegations of patent infringement
- Mediated dispute involving French multinational seeking recovery of investment from Brazilian entity in failed joint venture to exploit claimant's patented process for assembling wind turbine towers
- Mediated dispute between Dutch and US companies involving competing contractual rights to sub-license technology developed by non-party patent holder
- Mediated copyright infringement dispute between domestic parties involving copyright infringement of academic materials

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
- KCAB International – Korean Commercial Arbitration Board International – Panel of International Arbitrators
- 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, *International Perspectives on Commercial Mediation*, ILS Virtual Panel Series Novos Rumos Da Mediação Comercial Internacional, August 2021
- 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 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*

Selected Awards

- Recognized as a Best Lawyers "*Best Lawyer in America*" in Arbitration and Mediation, 2022
- Listed as a 2021 Excellent Mediator, Dispute Resolution Category, *Leaders League Brazil*

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 19, 2021
Four JAMS Panelists Named "Lawyers of the Year" and 61 Recognized as "Best Lawyers in America" by Best Lawyers®
<https://www.jamsadr.com/news/2021/four-jams-panelists-named-lawyers-of-the-year-and-60-recognized-as-best-lawyers-in-america-by-best-lawyers>
- 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

- Sept 09, 2021
A Cameo Gathering: Voices on the Singapore Convention Two Years On
<https://www.jamsadr.com//events/2021/voices-on-the-singapore-convention-two-years-on>
- August 27, 2021
SCLA 21st Global Forum: Is There A Role For Conciliation In International Commercial Disputes?
<https://www.jamsadr.com//events/2021/scla-21st-global-forum>
- 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>
- **Confronting Chaos, Embracing Conflict Series**
<https://www.jamsadr.com//events/2021/confronting-chaos-embracing-conflict-series>
- 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>

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>
- October 2020
What the Singapore Convention Tells Us about Dispute Resolution: Lessons from the Past and Visions of the Future
Mealy's International Arbitration Report
<https://www.jamsadr.com//files/uploads/documents/articles/birnberg-mealys-what-the-singapore-convention-tells-us-about-dispute-resolution-2020-10.pdf>
- 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>

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Dear Mr. Hand,

Thank you for your inquiry regarding my views about Gary Birnberg's abilities as a mediator. In brief, my opposing counsel and I were exceptionally pleased with Mr. Birnberg's services as a mediator.

I recently had the privilege of selecting Mr. Birnberg for a mediation of a commercial dispute here in Miami. My opposing counsel and I both represented parties from Brazil. We vetted other mediators, but based upon the results of our respective inquiries among the Miami legal community, we both came to the same conclusion that Mr. Birnberg had an excellent reputation and that his skills as a mediator were highly regarded by the local bar.

I would note that Mr. Birnberg speaks fluent Portuguese and has extensive experience in resolving disputes among Brazilians. He was selected by myself and my opposing counsel in part given his extensive experience with Brazilians and their culture.

Mr. Birnberg did a Herculean job in resolving the dispute particularly given the cultural sensitivities involved. All of the parties were particularly emotional about the issues and Mr. Birnberg showed an incredible amount of patience in calming the emotions and achieving a fair commercial settlement to all parties. My clients were happy that Mr. Birnberg could speak to them in Portuguese, and they were very satisfied by his services. Both myself and opposing counsel were very satisfied as well with the approach and results of Mr. Birnberg's efforts. Both myself and opposing counsel would not hesitate to retain Mr. Birnberg's services again and to recommend Mr. Birnberg to others.

In consideration of the foregoing, I believe that Mr. Birnberg would be a credit to your professional association, and I would respectfully urge you to look favorably upon his candidacy for membership. Thank you for your courtesies.

Kind regards,

Peter J. Yanowitch, Esq.
232 Andalusia Ave, Suite 202 | Coral Gables, FL 33134
Direct: (305) 443 2100 | Cell: (305) 972-7722
[E-Mail](#) | [V-Card](#) | [Website](#)

Dear Mr. Hand,

Mr. Birnberg served as a mediator in a JV dispute between Brazilian nationals operating in the telecom sector in Miami, Florida. We were able to successfully reach a settlement (this was finalized in the last month).

He was absolutely excellent and I am currently considering recommending him to a number of different clients with ongoing disputes that could benefit from his considerate and productive approach.

I would be happy to provide further information in case that would be helpful.

With kind regards,

Diogo Pereira

Dear Mr. Hand,

I apologize for not responding earlier. I have only positive things to say about Gary. Mr. Birnberg served as a mediator in a major (insurance) dispute in which Veirano Advogados and White & Case were co-lead counsels for the Brazilian claimant. The mediation took place in Miami, Florida (US). On the other side were three Brazilian leading insurers and over 30 reinsurers, represented by a leading UK law firm (lead counsel) and a traditional Brazilian insurance law firm (co-counsel).

It was a very tough mediation, which is evidenced by the fact that the respondents were unwilling to pay a single penny to the claimant in the beginning of the dispute. It took over a year for the parties to enter into the agreement to mediate itself.

Thanks to Mr. Birnberg's techniques, both parties were allowed to present their cases to each other respectfully and in the fullest manner possible. The respondents were stuck in their position (i.e., not open to negotiate) for most of the mediation, but Gary was very skilled in conducting the communications between the parties. The days went by and Gary was able to slowly engage the respondents, breaking their resistance, by showing how all the parties could profit from a mutually satisfactory agreement.

By the end of the fourth day of mediation, all the parties were very tired and pessimistic, except Gary - at least, he didn't show less enthusiasm than in the first days of dispute. In the morning of the fifth day of mediation the parties managed to settle the dispute. And the settlement involved a very high payment on the part of the respondents - certainly the highest amount payable in an insurance dispute in Latin America in the year. Mr. Birnberg's techniques, communication fluency, cosmopolitan culture, ability to bring the parties back to their ultimate interests and, perhaps, above all, hope throughout the process was absolutely critical for the success of the mediation.

I am very pleased to recommend Mr. Gary Birnberg to a Membership Chair of the International Academy of Mediators. I have already recommended him to other distinguished lawyers (including some very experienced mediators) for several mediations in Brazil and his performance attracted praises from such practitioners.

I am open to provide more details on the case if you need.

Best regards,

Felipe

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