



Mark J. Bunim, Esq.
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Mark J. Bunim is an advanced trained mediator (by the CPR Center for Dispute Resolution and the New York State Supreme Court Commercial Division) and Arbitrator and an attorney licensed to practice in the Courts of New York and the United States Courts since 1976. He has conducted numerous mediations and arbitrations concerning insurance coverage issues, complex business and partnership disputes and multi-party tort litigations. He has mediated and arbitrated attorney and accountant professional liability disputes, life insurance and disability disputes, real estate related disputes, World Trade Center property-loss and business interruption recovery disputes.

He has been selected as "2013 Top Rated Lawyer in Insurance Law" by the American Lawyer/ New York Law Journal. He has also been selected as a member of the National Academy of Distinguished Neutrals (NADN) and as a Charter Member of the New York Academy of Mediators and Arbitrators.

Mr. Bunim is on both the panel of mediators and arbitrators of the American Arbitration Association (Large Complex and Regular Commercial and Mediation panels); NAM (National Arbitration and Mediation); the Mediation panel of Agency Dispute Resolution; the National Academy of Distinguished Neutrals; the panel of Commercial Arbitrators and Mediators of FedArb. He is active in the Dispute Resolution Section of the New York State Bar Association and its Mediation and its Arbitration Committees. He is also a member of the Dispute Resolution Committee of the New York City Bar Association.

He has spoken at meetings, conventions, and seminars around the country on ADR and insurance issues, i.e. The Execu Summit 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 Assn. Dispute Resolution Section Annual Meeting, January 2009; the American Bar Assn. 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. He has appeared on Ringler Radio on multiple occasions. He has authored articles on Insurance and Business Mediation in many publications, including the New York Law Journal and Litigation Management Magazine.

REPRESENTATIVE ARBITRATIONS AND MEDIATIONS

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.
- 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 primary and excess insurer over excess carrier's coverage defenses.
- Arbitrated legal malpractice and accountants malpractice matters.
- Arbitrated a physicians group reimbursement claim against an insurer.

COMMERCIAL DISPUTES

- 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 member and related partnership disputes.
- 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.
- Arbitrated construction dispute between owner and contractor involving delays, defects and claims of contractual non-compliance.
- Arbitrated fee payment disputes between a litigation expert team and retaining companies.
- 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 consumer civil right complaint against a finance company.
 - Arbitrated employee claims of harassment against former employer.
- Arbitrated law firm fee disputes.

CONSTRUCTION DISPUTES

- Mediated dispute between owner, GC and sub-contractors arising out of a claim of faulty construction of a large luxury condominium.
- Mediated dispute between co-op shareholders and sponsor concerning claim of substitution of lesser quality items and materials from the offering plan.

- Mediated claim against building owner by tenants arising out of expansion of multi-dwelling premises and intrusions, noise and unacceptable additions thereto.
- Mediated claim against architect for failure to follow plans and unapproved modifications.
- Mediated many construction accident cases involving injured and seriously disabled workers dealing with scaffolding, fires, explosions and serious falls from heights.

EMPLOYMENT DISPUTES

- Mediated numerous sexual harassment suits involving workplace incidents.
- Mediated a dispute against a sports arena, resulting from sexual harassment and battery by security guards of patrons, at an event.
- Mediated claim of wrongful termination by employee of legal search firm.
- Mediated claim of employee against government agency for wrongful demotion.
- Mediated sexual harassment claim by co-op owner against building management.

SUBJECT MATTER EXPERTISE

- Appellate Practice
- Attorney Malpractice
- Business/Commercial/Corporate
- Directors and Officers
- Employment
- ERISA
- Errors and Omissions
- Family Business Disputes
- Insurance
- Insurance Coverage
- Legal Ethics
- Life/Health/Disability
- Negligence
- Partnership Law
- Personal Injury
- Premises Liability
- Products Liability
- Professional Liabilities
- Property Damage
- Torts

PROFESSIONAL LICENSES AND ADMISSIONS

New York State (1976)

U.S. District Court, Southern and Eastern Districts of New York (1976)
U.S. Circuit Court of Appeals (1983)
United States Supreme Court (1987)

PROFESSIONAL BACKGROUND

- Founder, Managing Director, Case Closure LLC (2005-present)
- Partner, Bryan Cave LLP (2002-2005)
- Partner, Robinson, Silverman, Pearce, Aronsohn & Berman (1996-2002)
- Managing Partner, Ohrenstein & Brown (1983-1996)
- Trial Attorney, O'Melveny & Myers (1977-1979)
- Sp. Asst. AG, Office of NYS Special Prosecutor (1975-1977)

PROFESSIONAL AFFILIATIONS

Panel Mediator, Supreme Court, State of New York, Commercial Division
Panel Mediator, Superior Courts, New Jersey
Sub-committee Chairman, ADR Committee for Claims Litigation Management Alliance
Member, NYS Bar Association, Mediation and Arbitration Committees Member, NYC Bar Association, Dispute Resolution Committee
Member, NYC Bar Association, sub-committees Corporate Mediation Contract Clauses and the In-house Counsel Dispute Resolution

EDUCATION

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

HONORS and AWARDS

Top Rated Lawyer in Insurance Law, American Lawyer/New York Law Journal (2013)
Member, National Academy of Distinguished Neutrals
Charter Member, New York Academy of Mediators and Arbitrators

PUBLICATIONS

"The Ten Commandments for a Successful Mediation"; Litigation Management Magazine, Fall 2012 ed.
"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.
" The Second Circuit Curtails the Manifest Disregard Argument"; NY Law Journal, February 6, 2015.
" Solving the Insurance Allocation Dilemma"; NY Law Journal, September 8, 2015.

" When States Prohibit Dispute Resolution"; Journal of American Law, Fall 2015 ed.