

Mark J. Bunim, Esq.



Mark J. Bunim is a certified 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. Mr. Bunim has participated in numerous mediations and arbitrations concerning insurance coverage issues, securities issues and Directors and Officers liability. He has mediated attorney and accountant professional liability disputes, partnership disputes, real estate related disputes, World Trade Center property-loss and business interruption recovery disputes; and family business and estate conflicts. He has mediated complex tort cases using structured settlements. As a litigator for over 25 years he had represented, at different times, insurance companies and insureds on claims involving coverage issues.

Mr. Bunim is a member of the Panel of Mediators of the Commercial Division of the Supreme Court of the State of New York; the panel for the Superior Courts of New Jersey; the Panel of Commercial Arbitrators and Mediators of FedArb.; the panel of Resolute Systems, Inc.; the panel for the U.S. District Court for the Southern District of New York. He is active in the Dispute Resolution Section of the New York State Bar Association and its Mediation Committee and the Arbitration Committee of Association of the Bar of the City of New York. He has been appointed to the Association of the Bar of the City of New York Panel for Mediation of Condominium and Co-Op Disputes and the panel for Attorney to Attorney Disputes. He is a member of the Reinsurance Mediation Organization.

From 1996 to 2005 he had been a partner in Robinson Silverman Pearce Aronsohn & Berman, which became Bryan Cave, LLP (in 2002) focusing on commercial litigation, insurance related and coverage cases, and alternative dispute resolution. He was co-leader of the insurance recovery and risk management litigation group. Before that, from 1983-1996, he was managing partner at Ohrenstein and Brown, a New York City law firm specializing in insurance, complex tort and commercial related disputes.

Mr. Bunim graduated from New York University, summa cum laude, in 1971 and Rutgers University School of Law (1975). He has spoken at meetings, conventions, and seminars around the country on ADR and insurance issues, i.e. 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.

Areas of Expertise:

- APPELLATE PRACTICE
- ATTORNEY MALPRACTICE
- BUSINESS/COMMERCIAL/CORPORATE
- CONSTRUCTION
- CONTRACTS
- EMPLOYMENT/LABOR
- ERISA
- ERRORS & OMISSIONS
- FAMILY BUSINESS DISPUTES
- INSURANCE/REINSURANCE
- LEGAL ETHICS
- LIFE/HEALTH/DISABILITY
- NEGLIGENCE
- PARTNERSHIP LAW
- PERSONAL INJURY
- PREMISES LIABILITY
- PRODUCTS LIABILITY
- PROFESSIONAL LIABILITIES
- PROPERTY DAMAGE
- TORTS

Representative Matters:

INSURANCE DISPUTES:

- 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 gas explosions.
- Mediated a denial of disability benefits to the senior partner of a large national law firm.
- Mediated a dispute between competing insurers as to which policy was 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.

- Mediate 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 an insurance coverage dispute regarding a sports arena, resulting from sexual harassment and battery by security guards of patrons, at an event.
- Mediated life insurance benefit allocation coverage cases.
- 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 co-insurers over responsibility for payment of loss.
- Arbitrated dispute between primary and excess insurer over excess carrier's coverage defenses.

BUSINESS DISPUTES:

- Mediation of a claim against former directors and officers of an internet company by creditors of that company, for negligent management practices.
- Mediation of a Class Action shareholder suit involving a stock buy-back undervaluation claim.
- Mediation of a multi-million dollar battle between executors of an estate where the deceased left stock to be distributed to charities and the co-executors bitterly disagreed as to which charities would be recipients.
- Mediation of an accountant liability claim arising out of undetected defalcations.
- Mediated multiple business dissolution's among family member and partnership disputes.
- Mediated estate and trust matters involving beneficiary claims.
- Mediated numerous legal malpractice matters.
- Mediation of an accountant liability claim involving allegations of negligent preparation of financial statements and projections.
- Mediation of a claim against a financial adviser resulting from the recommendation of faulty investments.
- 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.

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 purchases 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.

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.

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

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
- “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.

Education:

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