Hon. Barry R. Ostrager (Ret.)

Arbitrator • Mediator



Hon. Barry R. Ostrager (Ret.) serves as an arbitrator and mediator with FedArb in complex commercial disputes, with particular experience in insurance and reinsurance coverage. During 8½ years on the New York State Supreme Court's Commercial Division in Manhattan, he resolved more than 1,500 commercial cases through motions, trials or settlements. He retired from the bench on December 31, 2023.

Before his judicial appointment, Justice Ostrager spent 40 years at Simpson Thacher & Bartlett LLP, where he was a litigation partner and led the firm's litigation department of more than 300 attorneys. He tried five cases involving $1 billion or more to verdict and successfully argued two cases before the U.S. Supreme Court. His international arbitration experience as counsel includes two multibillion-dollar cases administered by the International Chamber of Commerce (ICC).

Justice Ostrager is co-author of the *Handbook on Insurance Coverage Disputes* (Wolters Kluwer, 2026), a widely used three-volume treatise now in its 23rd edition. More than 350 courts have cited the handbook.

Chambers & Partners ranked Justice Ostrager Band 1 in both general commercial litigation and insurance dispute resolution for 11 consecutive years. The Legal 500 recognized him among the leading U.S. trial lawyers for 10 consecutive years.

Areas of Expertise

- Complex commercial litigation
- Insurance coverage and reinsurance
- Representations and warranties
- International commercial disputes
- Corporate transactions and tender offer disputes

Representative Matters

Selected matters as counsel

- World Trade Center insurance coverage litigation. Served as lead trial counsel for Swiss Re and secured a unanimous jury verdict. SR International Business Insurance Co. Ltd. v. World Trade Center Properties LLC, No. 01 Civ. 9291 (S.D.N.Y.), aff'd, 467 F.3d 107 (2d Cir. 2006).
- Andersen Consulting separation. Represented Andersen Consulting against a $14 billion claim by Arthur Andersen and secured its separation from Andersen Worldwide without cost in what was then the largest ICC arbitration. ICC Case No. 9797/CK/AER/ACS.
- Korea Deposit Insurance Corp. v. Hanwha et al. Represented Hanwha in a multibillion-dollar dispute with the Korean government. ICC Case No. 14501 JB/JEM/EBS/VRO.

- QVC Network, Inc. v. Paramount Communications Inc. Served as lead trial and appellate counsel for Paramount in tender offer litigation, portions of which were televised. Del. Ch. No. 13208.
- Matsushita Electric Industrial Co. v. Epstein, 516 U.S. 367 (1996). Successfully argued before the U.S. Supreme Court in litigation arising from Matsushita's tender offer for MCA Inc.
- Travelers Indemnity Co. v. Bailey, 557 U.S. 137 (2009). Successfully argued before the U.S. Supreme Court in a case concerning the rights of settling insurers in asbestos-related bankruptcy.

Additional trials and appeals

- Chase Manhattan Bank v. Motorola, Inc., No. 00 Civ. 4838 (AKH) (S.D.N.Y.)
- Shell Oil v. Travelers Ins., 15 Cal. Rptr. 2d 815 (Sup. Ct. San Mateo County)
- MHTCo. v. Arthur Andersen, 82 Civ. 6622 (S.D.N.Y.)
- Stonewall Ins. v. National Gypsum, 1998 WL 405047 (S.D.N.Y.)
- US Air Group v. Carl Icahn, 87-0524 (W.D. Pa.)
- In re 1515 Broadway Associates, L.P., No. 90 B 13320 (Bankr. Ct. S.D.N.Y.)
- In the matter of the Arbitration between Centre Life Insurance Co. v. AXA Equitable Life Insurance Co.
- Aurelius Capital Partners v. The Republic of Argentina, 584 F.3d 120 (2d Cir. 2009)
- Commercial Money Center, Inc. v. Illinois Union Insurance Co., 508 F.3d 327 (6th Cir. 2007)
- Dolan v. Fidelity National Title Insurance Co., No. 09-2697-cv (2d Cir. Feb. 11, 2010)
- In re Johns-Manville Corporation, 517 F.3d 52 (2d Cir. 2008)
- Seijas v. Republic of Argentina, Nos. 08-2847-cv, 08-2864-cv, 08-2922-cv, 082926-cv, 08-2943-cv (2d Cir. Nov. 5, 2009)
- Winn v. Alamo Title Insurance Company, No. 09-50511 (5th Cir. Mar. 30, 2010)
- Bruckner Realty, LLC v. County Oil Company, Inc., 40 A.D.3d 898, 838 N.Y.S.2d 87 (2d Dep't 2007)
- Golden Gate Yacht Club v. Société Nautique de Genève, 12 N.Y.3d 248, 907 N.E.2d 276, 879 N.Y.S.2d 363 (Ct. App. 2009)
- In re MCA, Inc., 785 A. 2d 625 (Sup. Ct. Del. 2001)

Professional Background

- Justice, New York State Supreme Court, Commercial Division, Manhattan. Served 8½ years through December 31, 2023.
- Litigation partner and longtime head of the litigation department, Simpson Thacher & Bartlett LLP.
- Judicial clerk, U.S. District Court for the Southern District of New York.

Recognition

- Chambers & Partners named him the leading U.S. business trial lawyer for litigation in June 2006 and ranked him Band 1 in both general commercial litigation and insurance dispute resolution for 11 consecutive years.
- The Legal 500 recognized him among the leading U.S. trial lawyers for 10 consecutive years (2005–2014), frequently listing him among its top 10 trial lawyers.
- Benchmark Litigation recognized him as a Litigation Star in general commercial litigation and insurance litigation (2010–2014).

- Elected to the National Academy of Distinguished Neutrals.

Education

- M.A., 1973
- J.D., New York University School of Law, 1972
- B.A., City College of the City University of New York, 1968

Admissions

- New York and California
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Seventh, Ninth and District of Columbia circuits
- U.S. District Courts for the Southern, Eastern and Northern districts of New York, the District of Connecticut, the Western District of Texas and the Northern and Central districts of California

Publications

- Handbook on Insurance Coverage Disputes, 23rd ed., co-author (Wolters Kluwer, 2026). The three-volume treatise has been cited by more than 350 courts.
- Modern Reinsurance Law and Practice, 3rd ed., co-author (LegalWorks, 2014).

Professional Affiliations

- New York City Bar Association
- American Bar Association
- American Law Institute
- International Academy of Trial Lawyers
- United States Council for International Business