

VIAC – Questionnaire for Mediators

1. Name: Gary Birnberg

2. Nationality: USA, permanent residency Brazil

3. Contact information

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4. Education and professional experience (original profession; where did you study?):

Please add your CV!

Bachelor of Arts in International Relations, University of Pennsylvania; Juris Doctor, Boston University; MBA INSEAD

5. Core area of current professional activity:

Mediation and Arbitration: nothing else!

6. Accreditation in the field of ADR (including relevant trainings and connected qualifications):

Florida Supreme Court Certified District and Appellate Mediator, Fellow Chartered Institute of Arbitrators

Conducted Mediation Trainings (commercial mediation: 40 hours classroom/simulations + evaluation) for CMAP (Paris). Conducted numerous additional seminars

Participated in Mediation Trainings conducted by AAA/ICDR, CPR, JAMS, Florida Mediation Training Institute (in affiliation with University of Miami)

Conducted Arbitration Training (Maritime Arbitration – 40 hours) for CAMRJ (Rio de Janeiro)

Participated in Arbitration trainings conducted by AAA, FINRA, JAMS, ICC and Chartered Institute of Arbitrators.

7. Practical experience in mediation

- How many (international) mediations have you participated in
 - as single/co-mediator/in a team? Approximately 50 international / 400 overall
 - administered by an institution; under which Rules? Approximately 200 – AAA, CAM-CCBC, FINRA, ICDR, JAMS
 - in which areas/fields? A wide array
 - how complex (*please provide examples, participation of lawyers/experts*)? Most complex this year: acting as a single mediator in a complex commercial case involving 56 mediation participants (8 Parties, 3 participating interested entities, lawyers, 2 experts), with over 500 million Euros at stake. This case settled in third day of mediation.

- How often have you acted in a different function (e.g. consultant, expert)?
Never

- What other ADR-experience do you have?
Approximately 45 cases as an arbitrator

8. Languages (including levels)

Mother tongue: English

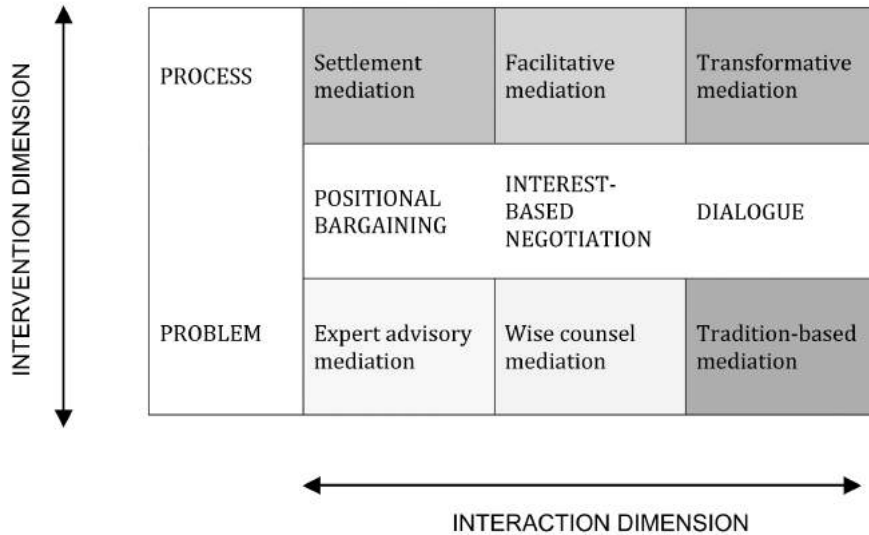
Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct mediation proceedings in this language): French, Portuguese

Basic knowledge: Italian, Spanish

9. Style of mediation

Where do you see yourself? Please tick box as appropriate or indicate your preferred style.

Fitting my style to the below rubric would not produce an accurate characterization thereof. Essentially adaptive, my style dictated by the expectations of the parties and the requirements of the situation. It is grounded in facilitative philosophy, yet sensitive to implementation of various degrees in intervention, which frequently varies over the course of a single mediation.



© Alexander, Nadja (2011) "The Mediation Meta-Model - the realities of mediation practice," *ADR Bulletin*: Vol. 12: No. 6, Article 5. Available at: <http://epublications.bond.edu.au/adr/vol12/iss6/5>; see also here for a detailed description of the 6 mediation styles.

10. Please describe aspects of your personality which could be interesting to clients you are going to mediate; what would former clients emphasize in your work?

I listen to what people have to say and base my actions on what I hear

11. Publications and other activities in ADR related matters

(e.g. training sessions, seminars, conferences, articles and others):

Please open the following links for articles <https://www.jamsadr.com/birnberg/#publications> and a sampling of recent events <https://www.jamsadr.com/birnberg/#events>

12. Memberships in mediation institutions / functions in mediation institutions/organizations:

Co-Chair IBA Mediation Committee 2019-2020, Co-Chair Mediation Committee International Law Section of the Florida Bar 2019-2020, Chairman Florida Chapter Chartered Institute of Arbitrators North America Branch.

13. Special expertise or specializations (please list a maximum of three) in your ADR-practice:

Complex commercial, cross-border, multi-party disputes

14. Soft Skills (e.g. intercultural competences):

Communication, multicultural/multilingual fluency

15. How do you ensure your professional quality (e.g. coaching, practice supervision, etc?)

JAMS has an effective, post-intervention survey system that provides needed feedback on effectiveness

16. Date of birth: 27 December 1958

VIAC offers mediation practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to

nominate a mediator of their choice and so is the VIAC Board when appointing a mediator. These presentations do not constitute recommendations but may assist the parties in choosing a mediator willing to conduct proceedings according to the Vienna Mediation Rules. The fact that a mediation practitioner appears on this list, does not authorize this person to use the title "VIAC-mediator".

√ I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

√ I hereby consent that the data provided in this questionnaire may be processed for the appointment of mediators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information see our privacy statement at www.viac.eu.

_____ 14 November 2019
Date