

Barry R. Ostrager

Mediator / Arbitrator / Independent Panelist

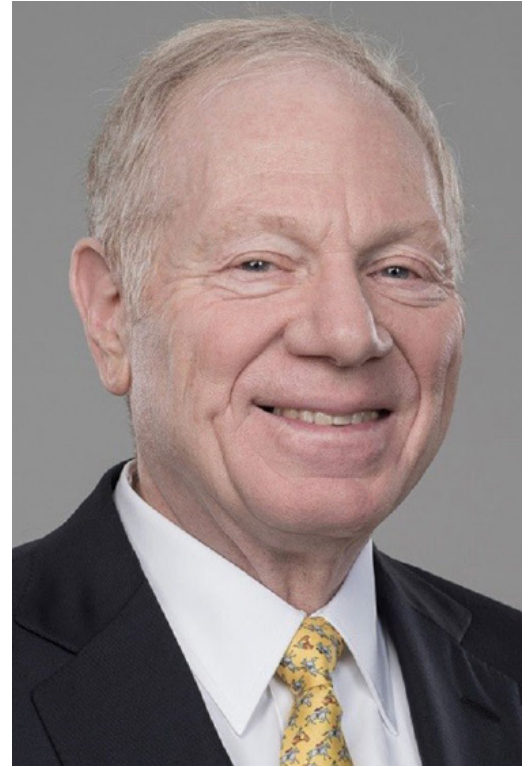
Barry R. Ostrager served as a New York State Supreme Court Justice in the Commercial Division for eight and one-half years, retiring on December 31, 2023. Justice Ostrager presided over dozens of bench and jury trials as a Commercial Division Justice and resolved by trial, motion or settlement hundreds of commercial cases.

Prior to his appointment to the Bench, Justice Ostrager was a litigation partner at Simpson Thacher & Bartlett LLP and the long-time head of the 300+ attorney Simpson Thacher Litigation Department as well as a member of the Firm's management committee. Other than a federal judicial clerkship, Justice Ostrager spent his entire pre-judicial career at Simpson Thacher.

Justice Ostrager was lead trial counsel in many high-profile securities, antitrust, and commercial cases and was lead trial counsel in many major insurance and reinsurance coverage cases. He was lead trial counsel for Swiss Re in the highly publicized insurance coverage dispute involving the World Trade Center tragedy which resulted in a unanimous jury verdict in favor of Swiss Re, and lead trial counsel for Travelers and a large group of insurers in the widely publicized dispute between insurers and the Shell Oil Company over insurance coverage for environmental contamination at the Rocky Mountain Arsenal. The trial of that case ended successfully for the insurers with a jury verdict after four months of trial. In all, Justice Ostrager successfully tried five cases to verdict involving \$1 billion or more in dispute as well as dozens of other trials and domestic and international arbitrations.

Justice Ostrager was lead counsel for Andersen Consulting (now Accenture) against a \$14 billion claim by Arthur Andersen in connection with Andersen Consulting's successful bid to win a separation without cost from the Andersen Worldwide organization in what was then the largest ICC arbitration in history. He was also lead counsel for Hanwha in a multi-billion-dollar dispute with the Korean government concerning the ownership of Korea Life Insurance Company that was the subject of a multi-week arbitration trial. Justice Ostrager was also lead trial and appellate counsel for Paramount Communications in the partially televised QVC v. Paramount tender offer litigation. Immediately prior to his appointment to the Bench, Justice Ostrager was lead counsel for Bank of America in a number of residential mortgage-backed securities cases.

Justice Ostrager successfully argued before the United States Supreme Court the closely followed *Epstein v. Matsushita* case that arose out of Matsushita's successful tender offer for MCA, Inc. He successfully argued again before the Supreme Court the *Travelers v. Bailey* case, which resolved important issues relating to the rights of settling insurers in asbestos-related bankruptcy. Justice Ostrager argued dozens of other appeals in multiple federal and state courts. Justice Ostrager is co-author of the *Handbook on Insurance Coverage Disputes* (Wolters Kluwer 2022), a widely-used, three-volume treatise now in its twenty-first edition. He is also co-author of *Modern Reinsurance Law and Practice*, 3d. (LegalWorks 2014).



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In June of 2006, Justice Ostrager was named the “Leading U.S. Litigation Business Trial Lawyer” by Chambers & Partners. For eleven consecutive years, Justice Ostrager was ranked by Chambers as a “Band One” General Commercial Litigator and “Band One” Insurance: Dispute Resolution Leading Lawyer. For ten consecutive years (2005-2014), Justice Ostrager was recognized as one of the leading trial lawyers in the U.S. by The Legal 500, which frequently identified him as one of the “Top Ten Trial Lawyers” in the U.S. and as an “exceptionally effective cross-examiner” with “brilliant litigation skills.” Euromoney’s Benchmark Litigation also recognized Justice Ostrager as a “Litigation Star” for both General Commercial Litigation and Insurance Litigation (2010–2014).

Mr. Ostrager received his B.A. from City College of the City University of New York in 1968 and his M.A. in 1973. He earned his J.D. from New York University School of Law in 1972 and served as a judicial clerk in the United States District Court for the Southern District of New York.