Barry R. Ostrager

Mediator / Arbitrator / Independent Panelist



Call: (949) 760-5280

www.phillipsadr.com

Barry R. Ostrager was a New York State Supreme Court Justice assigned to the Commercial Division in Manhattan for 8½ years. During his tenure on the Bench, which concluded on December 31, 2023, Justice Ostrager resolved by motion, trial or settlement, more than 1500 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. 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. Justice Ostrager presently is an active mediator and arbitrator associated with Phillips ADR Enterprises ("PADRE"), Fed Arb, ARIAS-US and the American Arbitration Association. Justice Ostrager was recently elected to the National Academy of Distinguished Neutrals and is a Member of the United States Council for International Business ("USCIB").

During his 40-year career at Simpson Thacher, Justice Ostrager was prominently involved in many high-profile commercial cases and was lead trial counsel in many major insurance and reinsurance coverage cases. In all, Justice Ostrager successfully tried five cases to verdict involving $1 billion or more in dispute as well as dozens of other trials. In 1993 Justice Ostrager was lead trial and appellate counsel for Paramount Communications in the partially televised *QVC v. Paramount* tender offer litigation.

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 United States Supreme Court the *Travelers v. Bailey* case, which resolved important issues relating to the rights of settling insurers in asbestos-related bankruptcy.

Justice Ostrager also successfully represented Andersen Consulting 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. It was, at the time, the largest ICC arbitration in history. Among other successes as a trial attorney. Justice Ostrager also litigated to conclusion another multi-billion dollar ICC arbitration and has a wealth of experience in the resolution of international disputes.

Continued...

Justice Ostrager is co-author of the *Handbook on Insurance Coverage Disputes* (Wolters Kluwar 2026), a widely used, three-volume treatise now in its twenty-third edition that has been cited by more than 350 courts. He is also co-author of *Modern Reinsurance Law and Practice*, 3d. (LegalWorks 2014).

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).