

David W. Ichel, Esq.



David Ichel serves as a full-time mediator, arbitrator and special master in complex commercial disputes. He retired from Simpson Thacher & Bartlett LLP in New York, where he litigated complex civil cases on both sides of the “v” and advised an international array of corporate, association and individual clients for 37 years from 1978-2015, 29 of those years as a partner. He has taught at Complex Civil Litigation, including ADR, at both Duke and University of Miami Law Schools.

Mr. Ichel is ranked by Chambers USA as one of the nation’s top mediators. He is a Fellow of the College of Commercial Arbitrators, the Chartered Institute of Arbitrators (FCIArb) and Academy of Court Appointed Neutrals. He is an Arbitration and Mediation Panel Member of the American Arbitration Association (AAA), the

International Centre for Dispute Resolution (ICDR), the CPR International Institute for Conflict Prevention, the ICC/USCIB, ARIAS-US and the New York City Bar Panel for Disputes among lawyers and law firms. He has served as a president/chair, party appointed arbitrator, and as a sole arbitrator, and has served in administered FedArb, AAA, ICDR, ICC and JAMS arbitrations as well as in numerous ad hoc arbitrations.

Areas of Expertise:

- ACCOUNTING / FINANCE
- BANKING / LENDER LIABILITY
- CONTRACTS/FRAUD CLAIMS
- DISTRIBUTOR / SUPPLIER
- EMPLOYMENT / LABOR
- ENVIRONMENTAL / CERCLA
- FOOD & BEVERAGE
- HEALTHCARE
- INSURANCE / REINSURANCE / INSURANCE COMPANY INSOLVENCY
- IP (TRADEMARK, COPYRIGHT & PATENT)
- LAW FIRMS & ACCOUNTING FIRMS
- MERGERS & ACQUISITIONS
- PHARMACEUTICALS & BIOLOGICS
- PRODUCT LIABILITY / MASS TORT
- SECURITIES / FINANCIAL SERVICES

Mr. Ichel’s specialized expertise includes complex commercial disputes of every description, contract and fraud claims, corporate, partnership and joint venture governance claims, insurance coverage



disputes, healthcare, trademark and other IP matters, insolvency, mergers and acquisitions, supplier-distributor, securities, law firms and accounting firms, construction, pharmaceutical development, product liability and mass torts. He has had extensive experience across a variety of industries internationally, including the financial services and insurance industries, private equity, beer, spirits, wine and other beverage industries, automobile and motorcycle industries, pharmaceuticals.

Mr. Ichel is a member of the American Law Institute (since 1993); the Board of the Bolch Judicial Institute at Duke Law School (Chair 2025-present); the Board of Visitors of Duke Law School (since 2005; Chair 2009-2014); the Advisory Committee of the University of Miami Class Action & Complex Litigation Forum (since 2018). He has served on the Board of Mobilization for Justice, Inc. (since 1994; Chair 2000-2002; emeritus 2019-2024), the Editorial Board of *Judicature* (2019-2023; Chair 2019-20) and chaired the Product Liability Committee of the New York City Bar Association (2005-2008), which included nationally prominent plaintiff and defense counsel, law professors and judges. He has been admitted to the bars of New York, New Jersey, Washington, DC and numerous United States District Courts, Circuit Courts of Appeal and the Supreme Court of the United States.

Mr. Ichel received his BA degree from Duke University, *summa cum laude*, in 1975. He received his JD from Duke Law School in 1978, where he served on the Duke Law Journal.

Sample Mediation Appointments:

M&A; Partnerships/ Joint Ventures: Numerous post-acquisition disputes involving both private equity and strategic acquisitions; international dispute over acquisition agreement for resort properties; international dispute over failure to obtain CFIUS approval of a cross-border technology company acquisition; dispute over partnership/joint venture and IP arising out of television program *Shark Tank*; dispute over private equity acquisition of a data library company; dispute over private equity acquisition of investigations firm; dispute among owners and executives of a major theatrical licensing company; disputes among partners in real estate development ventures; race discrimination claim arising out of failed media joint venture.

IP/ Pharma Development/ Technology, Trademarks: Bio-pharmaceutical development contract disputes; IP misappropriation claim against major medical research institution and bio pharma company; dispute over Major League Baseball team's use of new tradename and trademarks; dispute over technological implementation of State Medicaid data system; dispute over contract for in-store screen display advertising system and placement; trademark litigation between two major online education providers; trade dress and trademark litigation between two major hospital/healthcare systems, trademark and licensing dispute between major pharmacy chain and covid test supplier.

Healthcare: numerous hospital system and other provider claims against health insurance and managed care organizations, including antitrust claims, payment claims and contract interpretation issues.

Insurance: media/advertising injury insurance, life insurance marketing practices claims, CGL and environmental pollution coverage, property and liability coverage for commercial roof collapse; aviation insurance coverage for numerous aircraft, hospital system provider coverage.



Accountants Liability: litigations and arbitrations against accounting firms arising out of audited company U.S. bankruptcy proceedings and Cayman Islands liquidations.

Law Firms: Disputes over inter-law firm fee allocation, securities claims and client malpractice claims.

Banking & Securities: Misrepresentation claims against issuers, underwriters and law firms; residential mortgage backed securities disputes, public bond indenture claims; claims by billionaire investor against investment advisory firm, claims against bank for embezzled wire transfers; foreign national investment and borrower claims against Edge Act bank, claims against bank for payment on fraudulent wire transfers and lender liability claims against banks.

Executive Employment: Various cases involving termination, discrimination, benefits and non-compete and non-solicitation claims as well as salary, wage claims and claims against payment system provider.

Supply and Distribution: Litigations over food and beverage (soft drinks and alcohol) distributor terminations and product claims, solar energy project claims against manufacturer of heat transformers, chain store hardware supply.

Real Estate/ Construction: Disputes over major building foreclosure and lender liability, air rights sales, limited partner claims.

Bankruptcy/ Liquidator Trustee Claims: against failed solar energy plant equipment suppliers, accounting firms.

Sample Arbitration Appointments:

Partnerships/ Joint Ventures/ M&A: Dispute between resort hotel owner and hotel/resort management group (chair); Am Law 50 law firm dispute over termination of a former partner (sole arbitrator); energy infrastructure manufacturing joint venture dispute (party- appointed); dispute between healthcare benefits/ financial services companies over joint venture termination and non-compete provisions (sole arbitrator); liquidation of partnership dispute involving television, movie and theatrical prop rentals and sales (sole arbitrator); hospital purchase agreement dispute (party-appointed); disputes over a big-box retail inventory control company acquisition transition services agreement (sole arbitrator).

Insurance and Reinsurance: Luxury hotel developer dispute with all risk insurer over water damage and business interruption/ project delay claims (chair); pharma plant closing and recall insurance dispute (chair); property insurance dispute between healthcare company and insurers concerning named-storm hurricane and flood coverage (chair); liability insurance dispute concerning mass product liability exposure (party-appointed--insurer); product recall insurance dispute (party-appointed--policyholder); environmental pollution insurance coverage dispute (party-appointed--insurer); two covid-19 coverage arbitrations between insurers and large corporate policyholders (party-appointed--insurer); representations & warranties insurance dispute (party- appointed—insurer); liability insurance dispute



concerning accidental death (party-appointed--insurer); directors & officers insurance dispute (party-appointed—insurer).

Supply & Distribution: international jet fuel supply contract dispute (sole arbitrator); major soft drink company distributor termination dispute (party-appointed); major alcohol beverage companies' product IP and licensing dispute (party-appointed); refrigerant supply contract termination dispute (party-appointed).

IP/ Bio-Pharma Development: bio pharma unfair competition and IP claims (sole arbitrator); pharmaceutical acquisition and product development milestones dispute (party-appointed); IP and contract dispute between plant food inventor and major fresh fruit company (party-appointed); IP dispute involving cross-border alcohol beverage brand license (party-appointed); bio-pharma IP settlement agreement claims between two bio-pharma companies (sole arbitrator).

Banking & Finance: organization of multiple credit unions dispute with loan origination and underwriting firm (party-appointed); international corporate investor dispute with major international bank (party-appointed).

Healthcare: dispute between major university hospital system and managed care organization/ insurer over Medicare Advantage reimbursement (chair); dispute between medical provider and managed care organization/insurer over Medicare Advantage reimbursement (sole); life and health insurance company dispute with Third Party Administrator firm (chair).

Construction: construction dispute involving construction of telephone and wireless facilities (party-appointed); Builders Risk dispute over hotel construction delayed startup and expense.

Sample Special Master Appointments:

Cook v. Vogel (Supreme Court New York County, Commercial Part-- 2018). Appointed discovery special master on consent of the parties, then asked by the parties to mediate the case. Case successfully settled.

Alam v. Ahmad (Supreme Court New York Country, Commercial Part (2019-21)). Appointed special master on consent of the parties for all discovery matters in case involving international and large port facility investments.

FPG Maiden Lane v. Bank Leumi USA (Supreme Court New York County, Commercial Part (2022-23)). Appointed special master on consent of the parties for discovery matters in this case involve mortgage foreclosure and lender liability claims involving a large Manhattan building development. Also appointed as mediator on consent of the parties.