

Richard H. Silberberg

Senior Counsel

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As a trusted advisor to some of the world's most prominent manufacturing, technology, healthcare, and transportation companies, Rich makes it his business to know their businesses and to help them achieve their goals.

Rich's clients rely on his four decades of experience to provide them with effective strategies to avoid business disputes. But when litigation is necessary, Rich's clients count on him to lead highly-skilled and efficient trial teams that are dedicated to achieving their business objectives.

Rich has served as lead counsel in domestic and international litigation, arbitration, and administrative proceedings involving claims of antitrust, FCA, RICO and securities law violations; business torts; dealer, distributor and franchise terminations; defamation and invasion of privacy; employment discrimination; infringement of intellectual property rights; misappropriation of trade secrets; products liability; and unfair competition. These claims have arisen in a wide variety of industry sectors including banking and financial services; biotechnology; food and beverage; entertainment; food and agriculture, healthcare; life sciences, manufacturing; pharmaceuticals; product distribution; professional services; real estate; professional sports; technology; and transportation.

Rich's litigation practice is bolstered by his experience and reputation as a leader in the field of alternative dispute resolution, having been named by Best Lawyers® as Arbitration Lawyer of the Year in New York for 2022, and recognized by Chambers Global and Chambers USA for International Arbitrators since 2018. He is a member of the American Arbitration Association-International Centre of Dispute Resolution Council, a Past President of the College of Commercial Arbitrators, a Director of the New York International Arbitration Center, and is on the roster various dispute resolution tribunals around the world, including the American Arbitration Association, the International Centre for Dispute Resolution, the ICC International Court of Arbitration, and the International Institute for Conflict Prevention and Resolution.

Education

- New York University School of Law (J.D., 1975)
 - Managing Editor, *New York University Journal of International Law and Politics*
Recipient, Lillian and Isidore Halpern Award for Excellence in Trial Practice
- University of Wisconsin - Madison (B.A., Political Science, 1972)

Bar Admissions

- New York

Rich is also a Firm leader. He is currently Chair of its International Arbitration & Litigation and Class Action Litigation Groups, and has previously served as Chair of the Firm's Policy Committee (Board of Directors), as Partner-in-Charge of its Global Litigation, Intellectual Property and Regulatory practices, as a member of its Management Committee, and as its New York Office Head.

Select Experience

- *Leacraft, et al. v. Canon U.S.A., Inc.*, (E.D.N.Y. 2022) (lead counsel to defendant business equipment supplier in putative class action alleging violations of state consumer protection statutes)
- *Kamins v. The Empire Plan, et al.*, 171 A.D.3d 715, 98 N.Y.S.3d 96 (2d Dept. 2019); 2019 N.Y. App. Div. LEXIS 2504*; 2019 NY Slip Op. 02507 (lead counsel to health care plan and plan administrator in putative class action alleging violations of New York mental health parity statute; motion to dismiss claim asserting private right of action granted; dismissal affirmed on appeal)
- *In re Dental Supplies Antitrust Litigation*, 2017 U.S. Dist. LEXIS 153265*, 2017 WL 4217115* (E.D.N.Y. Sept. 20, 2017) (motion to dismiss granted)
- *SymQuest Group, Inc. v. Canon U.S.A., Inc.*, No. 15 cv 4200, 2016 WL 2855501 (E.D.N.Y. May 16, 2016) (lead counsel to defendant business equipment supplier in action alleging that supplier's failure to provide spare parts, consumable supplies and online technical support to dealer acquired by competitor breached dealer agreement and tortiously interfered with dealer's customer contracts; motion for preliminary injunction denied and motion to dismiss granted)

Court Admissions

- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, Third, Ninth, Eleventh and Federal Circuits
- U.S. District Courts for the Southern, Eastern and Northern Districts of New York
- U.S. Court of International Trade

Professional Affiliations

- Lawyers' Committee for Civil Rights Under Law, Board of Directors, 1992-present
- The Fund for Modern Courts, Treasurer, 2014-present, Executive Committee, 2005-present; Board of Directors, 1999-present
- High 5 Tickets to the Arts, Board of Directors, 1999-2009; Executive Committee, 2002-2009
- International Commercial Disputes Committee, Association of the Bar of the City of New York, 2016-2019
- Dispute Resolution Section, New York State Bar Association, Executive Committee, 2013-2017
- Franchise and Dealership Committee, Antitrust Law Section, American Bar Association
- ADR, Antitrust Litigation and International Litigation Committees, Litigation Section, American Bar Association

Accolades

- *Chambers USA*, International Arbitration: Arbitrators, 2018-2026
- *New York Metro Super Lawyers*®, Business Litigation, 2006-2026
- *Best Lawyers in America*®, Arbitration and Mediation, 2007-2026
- *Chambers Global*, International Arbitration: Arbitrators, 2022-2023
- International Who's Who of Commercial Mediation, 2011-2023 (only 19 mediators recognized in New York and 105 nationally)
- *Best Lawyers*® *Lawyer of the Year*, Arbitration, New York, 2022
- Client Choice for Excellence in Client Service - New York, Competition & Antitrust, (Nominated by Dorsey Client, Burkhart Dental Services, Tacoma, Washington), 2018
- Acquisition International's M&A Advisor Awards, "Best Corporate Dispute Specialist 2016 – USA," 2016

Select Presentations

- Faculty, "Well Managed Preliminary Hearings," American Arbitration Association ("AAA") - International Centre for Dispute Resolution ("ICDR"), Neutrals Conference, March 2023
- Panelist, "What You Need to Know About Arbitrator Selection," American Bar Association ("ABA") Business Law Section, March 2023
- Faculty, ABA Arbitration Training Institute, March 2023
- Faculty, ABA Advanced Mediation Skills & Advocacy Institute, December 2022
- Moderator, "Don't Just Go Through the Motions: How to Increase Your Chances of Obtaining Relief Through Motions in Arbitration," College of Commercial Arbitrators ("CCA") and Juris Publishing, September 2022
- Moderator, "How To Win Your Case at the Preliminary Hearing," CCA and Juris Publishing, October 2021
- Panelist, "Lessons Learned from Remote Proceedings," Garibaldi Inn of Court for ADR, September 2021
- Panelist, "Virtual Arbitration and Mediation of Complex Cases: Lessons Learned," Silicon Valley Arbitration and Mediation Center, 2020
- Faculty, Commercial Arbitration Training Program, New York State Bar Association ("NYSBA") Dispute Resolution Section, June 2015-June 2023
- Panelist, "No Risk, No Reward--How Creativity, Resourcefulness and Confidence Can Change the Face of Resolving Disputes," American Bar Association ("ABA") Section of Dispute Resolution, April 2019
- Panelist, "Mediation Advocacy," NYSBA Dispute Resolution Section, March 2019
- Panelist, "A Delicate Balance: Arbitrating Your Client's Complex Commercial Case Without Sacrificing Speed, Efficiency and Cost Savings," ABA Section of Litigation and Solo, Small Firm and General Practice Division, 2019
- Panelist, "Administered v. Ad Hoc Arbitration: Procedural Dilemmas for the Arbitrator in Complex Cases," AAA and Practical Law/Thompson Reuters, September 2018
- Panelist, "Ethical Issues in Arbitration and Med/Arb: Problems and Ethical Cures," ABA Section of Dispute Resolution, May 2018
- Panelist, "Cutting Edge Topics in Commercial Arbitration," AAA and New York Law School, April 2017 – April 2023
- Plenary Speaker, Georgia Arbitration Institute, 2015
- Panelist, "Managing the Evidentiary Hearing," ABA Section of Dispute Resolution, May 2017
- Panelist, "The 'How To' of Presenting Damages in Arbitration," AAA, 2015
- Panelist, "Dispositive Motions: When to Make Them; When to Grant Them," AAA,

2015

- Panelist, "Building a Sustainable ADR Practice," NYSBA Dispute Resolution Section, 2015
- Panelist, "Show Me the Money: The Effective Presentation of Damages in Arbitration Versus Litigation," AAA, 2015
- Panelist, "Managing Your First Arbitration" and "Managing a Successful Arbitration," AAA/CCA, 2014-2018
- Panelist, "The Preliminary Hearing: Preliminary, But Not Just Procedural," AAA, 2014
- Panelist, "Four Roundtables in Times Square - Putting the Spotlight on International Arbitration on Broadway," ICDR/IBA, 2011
- Faculty, "Chairing an Arbitration Panel: Managing Procedures, Process & Dynamics," AAA, 2005 and 2010
- Faculty, "Seeking Interim Relief In Arbitration," AAA, 2005
- Faculty, "Best Practices For Arbitrating Large Complex Cases," AAA, 2005
- Faculty, "Optimizing the Hearing," AAA, 2004 and 2005 ; Faculty, "Best Practices in Complex Arbitration," AAA, 2005
- Panelist, "Mediation - The Future for Corporate Disputes," ACQUISITION INTERNATIONAL, February 2012
- Panelist, "Straight Talk About B2B Arbitration," AAA and National Law Journal, May 2004
- Panelist, "Best Practices in Large, Complex Cases: A Practitioner's Roundtable," DISPUTE RESOLUTION JOURNAL, May-July 2004
- Panelist, "The Antitrust Injury Doctrine: Adding Insult to Injury?" ABA, April 2002
- Panelist, New Jersey Commission on Professionalism in Law, September 2002
- Panelist, "Representing Clients in Court Ordered and Other Mediations," Association of the Bar of the City of New York, 1999
- Panelist, "What the Business Lawyer Needs to Know About ADR," Practicing Law Institute, 1998 and 1999

Insights

July 29, 2024

Richard Silberberg Comments on Staffing Company's Unprecedented Arbitration Move

April 18, 2024

SCOTUS Holds That Transportation Worker Need Not Work In Transportation Industry To Qualify For FAA Section 1 Exemption

April 16, 2024

Richard Silberberg Quoted in Bloomberg Law Article on Recent SCOTUS Arbitration Ruling

December 6, 2023

Rich Silberberg Quoted in Law360 Regarding State Level Arbitration

September 28, 2023

To Arbitrate or Not to Arbitrate: That is the Question

2022

Richard Silberberg to Serve on the Council of the AAA-ICDR

October 27, 2022

Dorsey Partner Richard Silberberg on Effects of Mandatory Arbitration Exemption

October 24, 2022

Dorsey Partner Richard Silberberg Quoted on Circuit Splits Cloud Transportation Worker Arbitration Carveout

October 21, 2022

Dorsey Partner Richard Silberberg Discusses Who May be Exempt from Mandatory Arbitration

July 11, 2022

Dorsey Partner Richard Silberberg Quoted on Historic SCOTUS Arbitration Ruling

June 19, 2022

Dorsey Partner Richard Silberberg Discusses How a Supreme Court Ruling Shows How Textualism Can Favor Worker

June 15, 2022

Dorsey Partner Richard Silberberg on Supreme Court Ruling on Mandatory Arbitration of PAGA Claims

June 6, 2022

Dorsey Partner Richard Silberberg on Baggage Handler Winning Arbitration Dispute Against Southwest Airlines

June 6, 2022

Dorsey Partner Richard Silberberg Discusses Supreme Court Expands Reach of Federal Arbitration Carveout

June 6, 2022

Dorsey Partner Richard Silberberg Discusses High Court Transpo Worker Carveout Limits Arbitration Pacts