
Myrna Barakat Friedman

barakatADR.com

mbarakat@mb-cap.com +1 917 213 6631

- ▷ Commercial arbitrator, mediator and dispute prevention neutral.
- ▷ President and Founding Member, ACT-ADR, the Association of Commercial and Transactional ADR Professionals.

- ▷ *Member*, National Academy of Distinguished Neutrals (NADN).
- ▷ *Fellow*, Chartered Institute of Arbitrators.
- ▷ *CEDR* Accredited Mediator.

Independent commercial arbitrator, mediator and attorney with over 25 years' experience structuring, negotiating and leading the execution of domestic and cross-border business combinations, financings and securities offerings. Completed transactions globally as a Wall Street M&A and securities lawyer, a lead in-house M&A lawyer for a Fortune 500 Company, a Corporate Development executive and the founder of a boutique strategic growth advisory company. Trained in both civil and common law.

Brings to ADR practice a unique mix of legal, corporate and business experience and a firsthand commercial understanding of the operational and financial intricacies of the most complex matters. Leverages legal and business experience to dissect the facts at hand with focus, quickly identify the crux of a dispute and analyze the underlying issues with sound judgment and common sense. Adopts a structured but practical and business-minded approach, with a deep appreciation for the nuances in disputes involving multiple legal and business environments and multicultural constituents given breadth of work on global matters.

Serves as a neutral on a broad range of commercial disputes involving contract interpretation, commercial transactions, mergers/acquisitions and post-M&A matters, strategic business sales, private equity transactions, fundraising, real estate, cybersecurity and data breach, crypto and online exchange platforms, insurance, information technology, telecommunications, financing and banking transactions, securities and financial structures and professional services. Focused experience with banks, insurance groups and other financial institutions as well as technology and cybersecurity matters.

Dispute Resolution Experience

2021-Present

Commercial Arbitrator, Mediator and Dispute Prevention Neutral, New York, USA

Appointed as Chair, Sole Arbitrator, Co-Arbitrator and Appellate Arbitrator to over 45 cases involving a broad range of commercial and financial matters, including matters under the AAA, ICC, CPR and FINRA rules.

- ▷ *Member*: AAA Commercial Arbitrator and Mediator Panels, ICDR Panel of Arbitrators, CPR Arbitrator and Mediator Panels, FINRA Arbitrator Panel, Dubai International Arbitration Center Arbitrator List, Singapore International Arbitration Center Reserve Panel, Saudi Center for Commercial Arbitration Arbitrator and Mediator Rosters, Qatar International Center for Conciliation and Arbitration Arbitrator Panel, Federal Court of the Eastern/Southern District of New York Mediator Panel, NY State Commercial Mediator Panel. Listed as an arbitrator with the ICC and LCIA.
- ▷ *President and Founding Member*, ACT-ADR, the Association of Commercial and Transactional ADR Professionals.
- ▷ *Chair*, ICC/USCIB Mediation Committee; *Member*- Arbitration Committee.
- ▷ *Member*, AAA-ICDR Financial Industry Advisory Committee.
- ▷ *Member*, NY International Arbitration Center (Program Committee).

Professional Experience

2009-2022

Founder and Managing Director, MB Corporate Advisory Partners S.A.R.L.

Provide strategic growth advisory services (strategy formulation and execution) on acquisitions, partnerships, financing and investments, to companies, financial institutions, high growth companies and investors.

Mandates include:

- ▷ Sourcing acquisition targets, joint venture and other business combination partners;
- ▷ Structuring and negotiating deal terms;
- ▷ Formulating market penetration and growth strategies;
- ▷ Leading fundraising initiatives; and
- ▷ Advising on general corporate matters in connection with strategic growth initiatives.

2005-2008

Managing Director/SVP, Corporate Development, CIT Group Inc.

- ▷ Formulated CIT Group's global M&A strategy and sourced, evaluated and initiated contact with acquisition targets and strategic partners across CIT's five business units.
- ▷ Initially, served as Chief Counsel-M&A, responsible for the structuring, review and completion of all acquisitions, divestitures and other strategic transactions considered by CIT Group.
 - Member of the Legal Executive Committee (responsible for the management of the CIT Group Legal Department).

1998-2005

**Associate (Corporate Finance, M&A and Financial Institutions),
Sullivan & Cromwell LLP**

- ▷ Managed a broad array of strategic and cross border transactions, including mergers, acquisitions, JVs, IPOs and spin-offs for US and international clients (financial institutions focus).
- ▷ Advised domestic and foreign banks, asset managers, insurers, reinsurers and other financial institutions on US domestic regulatory and transactional matters.
- ▷ Led legal teams advising on strategic transactions in Europe, Australia, Latin America and Asia.
- ▷ Led public/private securities offerings, inc. convertible, high yield and tax structured securities.
- ▷ At the request of client Allianz AG, agreed a 6-month leave of absence from Sullivan & Cromwell to join Allianz as interim in-house M&A counsel in Munich, Germany; oversaw M&A/strategic transactions globally and recruited and trained M&A counsel (2000).

1997-1998

Associate (Corporate), Hughes Hubbard & Reed LLP

- ▷ Managed and completed M&A transactions, leveraged leases and bank commercial paper facilities.

Professional Activities & Memberships

Professional Memberships

- ▷ *Co-Chair*- Dispute Prevention Committee, NY State Bar Association- Dispute Resolution Section.
- ▷ *Chair*- Mediation Privilege Subcommittee, NY City Bar Association- Arbitration Committee.
- ▷ *Member*, American Bar Association - Section of Dispute Resolution.
- ▷ *Member*, NY State Bar Association - Dispute Resolution Section, Insurance Disputes Committee, Securities Disputes Committee and Cannabis Law Section.
- ▷ *Member*, NY City Bar Association - Arbitration Committee; Mediation Committee.
- ▷ *Member*, International Arbitration Club of New York; Silicon Valley Arbitration & Mediation Center.

Adjunct Professor

- ▷ St. John's University School of Law, "Negotiation," "Contract Drafting," Fall 2023.
- ▷ Joint Notre-Dame University /Bordeaux Management School- France Executive MBA Program (Lebanon), "Mergers, Acquisitions & Strategic Alliances," Winter 2010, 2011 and 2012.

Dispute Resolution Qualifications, Education, Bar Admission & Languages

Member, National Academy of Distinguished Neutrals (NADN).

Fellow, Chartered Institute of Arbitrators.

CEDR Accredited Mediator.

New York State Part 146 *Certified Mediator*.

McGill University, Faculty of Law, Montreal, Canada 1997 (Dual Qualification)

Juris Doctor

Bachelor of Civil Law

Graduated with Distinction, Top 10% of Graduating Class

McGill University, Faculty of Management, Montreal, Canada 1993

B. Commerce (Economics and Finance)

Graduated with Great Distinction, Dean's Honor List

Bar Admission: New York (1998)

Languages: Fluent in English, French and Arabic; Proficient in Spanish

Publications and Professional Engagements

Representative Publications

- ▷ “Arbitration: The Solution to the Cannabis Industry Regulatory Morass,” *NY Law Journal* (March 2024).
- ▷ “Dispute Resolution Through the Lens of the Tech and Finance Sectors,” *NY Law Journal* (October 2023).
- ▷ “Arbitrating Crypto, NFTs and Other New Technologies: Demystifying the Landscape,” *NY Law Journal* (April 2023).
- ▷ “The Pitfalls of Conflicting Judicial Outcomes in International Arbitration,” *NY Law Journal* (April 2022).
- ▷ “Drafting an Arbitration Agreement in 2022,” *NY Law Journal*, four-part series: “2021 Considerations” (December 2021); “The Drafter’s Perspective” (January 2022); “The Litigator’s Perspective” (January 2022); “The Arbitrator’s Perspective” (January 2022).
- ▷ “Testing the Scope of Article V(1)d of the New York Convention on Enforcement of Arbitration Awards Following the Dubai Arbitration Venue Combination,” *NY Law Journal* (October 2021).
- ▷ “Dispute Prevention and Resolution Options That Can Save Start-Ups From Failure,” *NY Law Journal* (June 2021).
- ▷ “The Covid-19 Case for ADR Provisions in M&A Agreements,” *NY Law Journal* (April 2021).

Representative Engagements

- ▷ Representative, Chartered Instituted of Arbitrators, UNCITRAL Working Group II (Dispute Settlement), New York Sessions (February 2024, February 2023).
- ▷ Panelist, “Contract Drafting and International Arbitration,” Oslo Center for Commercial Law/New York University (February 2024).
- ▷ Panelist, “Habits of Highly Effective Dispute Resolvers,” NY State Bar Association (February 2024).
- ▷ Chair, “Four-Part Series: Drafting and Arbitration Agreement in 2023: Beyond Basics, Reflecting Current Trends and Events,” Practising Law Institute (August 2023).
- ▷ Faculty, “ABA International Arbitration Masterclass, Panel Chair,” American Bar Association (June 2023).
- ▷ Faculty, “Optimizing the Success of Commercial Mediations: The Corporate Lawyer’s Role,” Practising Law Institute (March 2023).
- ▷ Panelist, “Grounds for Vacatur of an Arbitration Award- *Leggett v. Wells Fargo* and Other Recent Decisions,” NY State Bar Association- Arbitration Committee (May 2022).
- ▷ Panel Chair, “Exploring ADR Processes As Tools To Avoid Start-Up And Young Company Failures,” 2022 Annual ABA Dispute Resolution Conference (April 2022).
- ▷ Panelist, “Cross Border Investment,” The M&A Advisor Global Corporate Growth Summit (New York 2019).
- ▷ Judge, “Annual M&A Advisor Awards,” The M&A Advisor (New York) 2017-2022.

Please refer to BarakatADR.com for a complete list of publications and engagements.