



Hon. Ariel E. Belen (Ret.), FCIArb

JAMS Mediator, Arbitrator, Referee/Special Master, Neutral
Evaluator

Case Manager

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Ariel E. Belen is available to conduct cases virtually. JAMS is equipped to provide virtual ADR services on a variety of online platforms, including Zoom, Microsoft Teams, WebEx, and more.

Biography

Hon. Ariel E. Belen (Ret.), FCI Arb joined JAMS in 2012 and serves as an arbitrator and mediator in complex domestic and international disputes spanning a wide array of practice areas. During his nearly eighteen-year tenure on the bench he served as an Associate Justice of the Appellate Division, Second Department and as Administrative Judge of the Supreme Court, Kings County (Brooklyn). Judge Belen also helped create and presided over the Commercial Division in Brooklyn. Judge Belen has earned a reputation as a calm, intelligent, fair, and hardworking professional while facing the many complicated issues that may arise in a dispute.

Judge Belen is a highly experienced international mediator and arbitrator. He can effectively communicate with Spanish speaking litigants and clients. Judge Belen is a popular international speaker and trainer for ADR. He has presented at ADR training programs for judges, attorneys, and business leaders in Guatemala, Puerto Rico and Mexico. He also serves as co-chair of the Litigation and Dispute Resolution Section of the Hispanic National Bar Association (HNBA). Judge Belen is a fellow of the Chartered Institute of Arbitrators (CIArb), a fellow of the College of Commercial Arbitrators (CCA), a member of the Advisory Council of the CPR International Institute for Conflict Prevention and Resolution, and a member of the International Mediation Institute. Judge Belen is a member of the Board of Advisors of the Scheinman Institute on Conflict Resolution of the Cornell University School of Industrial and Labor Relations.

Judge Belen is often retained as a special master in complex commercial and civil matters. He was appointed as the Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013). In this program, Judge Belen was charged with assisting the City of New York and

its residents with developing sustainable reforms to the stop and frisk and trespass enforcement practices of the New York City Police Department through a community based civic engagement process. Judge Belen filed his Final Report and Recommendations with the Southern District of New York in May 2018. The Final Report and Recommendations may be accessed [here](#).

Judge Belen co-authored *New York Trial Notebook*, (James Publishing, 2008), supplemented annually, an 850-page comprehensive practice treatise for the trial of a civil case in New York.

Justice Belen is fluent in Spanish. He can effectively communicate with Spanish speaking litigants and clients in all matters. Download Justice Belen's biography in Spanish.

Representative Matters

International

- Mediated dispute between a developer and a construction manager of a Caribbean hotel resort and casino complex over breach of contract and intentional misrepresentation claims allegedly resulting in billions of dollars in out of pocket and lost profit damages
- Arbitrated a breach of contract and licensing dispute between a major international manufacturer of sales technology and a Latin American distributor
- Chaired an international arbitration concerning a breach of contract between major international telecommunication conglomerates
- Arbitrated executive compensation and deferred compensation claims upon the termination of a high level executive of a multinational corporation based in Europe
- Mediated a matter involving a joint venture with a Taiwanese firm along with the financial damages and partnership dissolution issues associated with the terminated venture
- Served as a Special Master in a matter involving agency and authority disputes in a business commercial case involving a Korean real estate contract breach
- Mediated a breach of contract and alleged fraud claims in a patent transaction between American and European parties
- Mediated a breach of contract and misrepresentation matter between American and Chinese parties engaged in a major joint venture concerning the purchase of a New York City landmark
- Mediated a dispute between a major Mexican chemicals manufacturing company and a North American based insulation manufacturer
- Mediated a case between U.S. based investors and a Latin American telecommunications venture
- Served as a Special Master on a matter related to authority issues in a business commercial case involving a Korean real estate contract
- Mediated a breach of contract and misrepresentation matter between American and Chinese parties engaged in a major joint venture concerning the purchase of a New York City landmark

Business/Commercial

- Mediated an intra-family dispute concerning the ownership and continued management of a limited liability company holding a city block of commercial storefront property in Upper Manhattan
- Mediated a dispute between a major regional car dealership and a national point of sale (POS) technology provider regarding automatic renewal of contract
- Mediated a class action lawsuit arising from Superstorm Sandy damages to waterfront property in lower Manhattan
- Arbitrated first party insurance claims resulting from catastrophic Superstorm Sandy damages to a graphics and printing plant
- Arbitrated a securities case arising from breach of fiduciary duty, negligent misrepresentation, negligent failure to supervise, and aiding and abetting fraud
- Arbitrated a dispute concerning ownership and operation of a medical facility

- Arbitrated a dispute over a broker commission on purchase of a property used to develop a major commercial mall
- Arbitrated a breach of contract case involving forensic expert consulting services
- Mediated a business commercial dispute involving a breach of contract between a major hotel conglomerate and a major supplier
- Mediated breach of contract dispute between business partners in an international joint venture in South America
- Mediated several disputes concerning legal malpractice lawsuits
- Mediated several dissolutions of legal and medical practices
- Mediated case involving a multinational corporation in a misrepresentation and breach of contract dispute with a long-time distributor
- Mediated breach of contract case involving alleged fraud claims brought by international party against American company
- Mediated breach of contract dispute concerning marketing services agreement
- Mediated a consumer class action lawsuit brought against major tobacco manufacturer for alleged fraudulent pricing scheme
- Mediated a dispute between master licensor and sub-licensee in the fashion industry
- Mediated a dispute after an arbitration award granted damages, attorneys' fees, and costs in trademark licensing matter
- Mediated a dispute pending arbitration involving distribution of the proceeds of an IRA account between widows, heirs, and estate creditors including the bank holding the IRA
- Mediated intra-family dispute related to the ownership, management, and operation of litigation finance companies

Insurance

- Appointed as Umpire in an appraisal of loss valuations involving luxury condominium apartments due to water damage from a burst sprinkler pipe-joint in the DUMBO section of Brooklyn
- Mediated a dispute involving first party insured claims over long term disability benefits under individual policy of disability insurance
- Mediated first party insured claims concerning soft cost losses resulting from water damage during construction of a major residential development
- Mediated first party insured claims under claims made policy where the insurer disclaimed due to alleged errors in application for coverage
- Mediated first party insured claims concerning the collapse of an iconic ride in a major American amusement park
- Mediated insurance coverage dispute between major national entertainment company and carrier over key person insurance policy on the life of events promoter and agent
- Mediated insurance coverage dispute between major national homeware manufacturer and carrier over product withdrawal/recall coverage
- Appointed as umpire in insurance coverage arbitration involving dispute between textile manufacturer and carrier
- Arbitrated first party insured claims resulting from devastating Superstorm Sandy damages to graphics and printing plant

Construction

- Mediated dispute between adjacent owner and a developer over claims that the developer failed to obtain proper permitting and installed faulty underpinning and shoring during foundation excavation of a 150 room hotel causing extensive property damage
- Mediated dispute between a subcontractor retained to design and fabricate architectural precast concrete walls and its sub subcontractor who was hired to perform temporary storing, shunting, unloading, rigging, and installation of the precast walls at an iconic sports stadium in New York City
- Mediated dispute between condominium board and sponsor, selling agent, successor agent, architect, and general contractor over claims of misrepresentations made in the offering plan and promotional materials, and improper construction of the building. Sponsor filed a third-party complaint against several

contractors and engineers who in turn filed actions against several other subcontractors for a total of 17 parties that participated in the mediation

- Mediated dispute between a public community college and contractor retained to complete façade restoration over work performed on eight campus buildings with claims of shoddy work, extensive delays, and failure to submit certified payrolls and waste management reports as per the contract and state law
- Mediated dispute between a general contractor engaged to complete the construction of a new 8-story condominium development in the Lower East Side of Manhattan and owner/developer over delay claims and non-payment of change orders
- Mediated dispute between state authority and major international construction firm involving installation/replacement of an antiquated HVAC system in a large government facility
- Mediated dispute between major national restaurant chain and general contractor over delays and unpaid charge orders during construction of iconic location in Lower Manhattan
- Mediated dispute between buyers of a luxury condominium in the Williamsburg section of Brooklyn and the sponsor and developer over claims that the unit was uninhabitable due to water infiltration caused by faulty construction
- Mediated construction defect case involving the installation of a HVAC system with an alleged faulty functionality in a Midtown Manhattan hotel
- Arbitrated construction defect matter involving damages resulting from burst plumbing in a New York landmark hotel converted into luxury condominiums
- Chaired breach of contract arbitration involving independent contractor providing business consulting services to a general contractor
- Mediated case involving claims arising from a freeze-up and water leakage of a pipe located in an apartment building
- Mediated construction defect case involving a dispute between a major hotel conglomerate and the manufacturers and installers of heat pump units in guest rooms
- Mediated breach of contract claims in a condominium conversion
- Mediated the collapse of a commercial building during construction of an adjacent luxury hotel in lower Manhattan
- Mediated dispute between luxury high rise apartment developer, general contractor, and subcontractors relating to unfinished work, change orders, and claimed defects
- Med/Arb involving construction defects in a luxury Manhattan condominium building
- Mediated disputes between owner, construction manager, general contractor, subcontractors, and second tier subcontractors centered around the construction of a high rise luxury building
- Mediated dispute involving construction defects and zoning restrictions in a luxury condominium building converted from a commercial printing press building
- Mediated dispute between owner and construction manager involving delays in construction of a thirty-one unit ground-up luxury condominium development with parking garage
- Mediated dispute between owner, general contractor, and subcontractor concerning rust and corrosion on installed balconies and railings in high rise luxury development

Employment

- Mediated executive compensation dispute between a major investment bank and a terminated managing director over allegedly outstanding bonus payments and deferred compensation
- Mediated executive compensation dispute between the chief executive officer of a private equity firm and its Board of Directors
- Arbitrated executive compensation and deferred compensation claims upon the termination of a high-level executive in a multinational corporation based in Europe
- Mediated breach of contract dispute between an employer and employee related to contractual bonus obligations
- Arbitrated age discrimination claim brought by an executive of a Fortune 100 company
- Mediated case arising from issues related to a separation agreement for law firm employees' retirement and termination
- Arbitrated civil rights matter involving alleged racial discrimination against party in a restaurant
- Mediated several FLSA disputes
- Chaired breach of contract arbitration involving termination of chief executive officer and minority shareholder in a closely held corporation
- Mediated cases involving discrimination, unlawful retaliation, and hostile work environment claims

- Mediated dispute involving employees' failure to repay company issued loan
- Mediated case involving employees' termination due to disability caused by alleged work-related injuries
- Mediated a breach of contract and sexual harassment claims involving high level executive in a venture capital firm
- Mediated executive compensation, deferred compensation claims, and cross claims on a promissory note upon the termination of a high-level investment advisor in a Swiss bank
- Mediated executive compensation and severance claims between chief restructuring officer and general counsel of an insurance company winding down and liquidating its assets

Entertainment & Sports

- Mediated dispute between a global digital media company focused on live and streaming music and a national provider of ticketing services to event promoters and entertainment venues
- Arbitrated a dispute between a professional tennis player and a major national sportswear manufacturer over compensation for exclusive endorsement of products
- Mediated a dispute between a major national cable news personality accused of assaulting the plaintiff
- Mediated matter alleging high profile professional athlete knowingly spread a sexually transmitted disease
- Mediated several disputes between a national concert producer and shooting victims during a rap concert performance
- Mediated dispute between high fashion model and nationally circulated digital and print magazines for alleged unauthorized use and reproduction of image

Personal Injury

- Mediated several medical and dental malpractice cases
- Mediated several cases involving auto accidents where parties negotiated settlement amounts ranging from two to twenty-eight million dollars
- Mediated personal injury and fatality cases in a 2008 crane collapse in New York City
- Mediated case involving plaintiff's catastrophic injuries due to a slip and fall into a New York City subway manhole
- Mediated personal injury case involving a bicyclist and a truck driver alleging catastrophic injuries that required multiple major surgeries
- Mediated personal injury/premises liability case involving injuries sustained allegedly from an attack on private property
- Mediated case involving injuries sustained for an allegedly faulty elevator
- Mediated several cases having to do with the results of knee, back, neck and shoulder surgeries
- Mediated several cases alleging violations of the New York Labor Law, scaffolding statutes, and regulations
- Mediated a wrongful death case involving food poisoning from contaminated fish
- Mediated an eight figure settlement of claims of catastrophic injuries pursuant to the New York Labor Law

Special Master

- Serving as Federal Facilitator to guide the Joint Remedial Process in the New York City stop and frisk and trespass enforcement class action settlements as described in the Remedies Opinion in *Floyd v. City of New York*, 959 F. Supp. 2d 668 (SDNY 2013)
- Serves as Court Appointed trustee to manage a multi-million dollar trust estate that requires financial oversight of assets, investments, and property pending litigation in the New York Commercial Division
- Served as Court Appointed Special Referee for damages in a legal malpractice matter
- Served as Court Appointed Mediator in federal bankruptcy case related to the construction of a luxury skyscraper in midtown Manhattan
- Served as Special Discovery Master in a securities arbitration
- Serving as a Special Discovery Master in a New York Commercial Division real estate litigation
- Served as Court Appointed Special Referee to conduct forensic examination of computer spyware

Smart Contracts & Blockchain

- Mediated a dispute between a financial company that engages in the sale and purchase of Bitcoin through a network of bitcoin teller machines and a service provider to virtual currency kiosks networks

Honors, Memberships, and Professional Activities

• Select Honors

- Latino Lawyer of the Year, Latino Lawyers Association of Queens County, 2019
- New York State Bar Association Commercial and Federal Litigation Section, Tenth Anniversary Award, 2002
- William Goldstein Memorial Award, Association of Law Secretaries of the Supreme and Surrogate's Courts, 2007
- Hon. John Carro Award for Judicial Excellence, Association of Judges of Hispanic Heritage, 2010
- Puerto Rican Bar Association Award Recipient, 2007
- Saint Thomas More Award, Catholic Lawyers Guild of Kings County, 2007
- Jurist of the Year Award, Metropolitan Black Bar Association, 2005

• Memberships

- Member, Commission to Reimagine the Future of New York's Courts, June 2020-present
- Member, New York City Bar Association (NYCBA), International Commercial Disputes Committee, April 2018-present
- Co-Chair, New York State Bar Association (NYSBA), Dispute Resolution Section Legislative Committee, April 2018-present
- Member, Judicial Task Force on the New York State Constitution, July 2016-present
- Member, CPR Advisory Council: International Institute for Conflict Prevention & Resolution Panel of Distinguished Neutrals, 2013-Present
- Member, Board of Advisors, Scheinman Institute on Conflict Resolution at the Cornell University School of Industrial and Labor Relations, December 2015-Present
- Chair, ADR Committee, New York County Lawyers Association, 2013-2016
- Member, New York State Grievance Committee for the Second, Eleventh and Thirteenth Judicial Districts
- Member, Committee on Character and Fitness, Appellate Division, First Department, Supreme Court of the State of New York
- Member, Cornell University Committee on Alumni Trustee Nominations, 2013-2017
- Vice Chair, Cornell University Council, 1998-2010
- Life Member, Cornell University Council, 1996-present
- Member, New York State Bar Association, Commercial and Federal Litigation Section, Executive Committee
- Member, Task Force on Judicial Selection, Hispanic National Bar Association (HNBA)

• Professional Activities

- Co-chair, Litigation and Dispute Resolution Section, HNBA, 2020-present
- Fellow, College of Commercial Arbitrators (CCA), 2020-present
- Completed Virtual ADR training conducted by the JAMS Institute, the training arm of JAMS
- Member, Judicial Task Force on the New York State Constitution, July 2016-present
- Fellow, Advanced Science and Technology Adjudication Resource Center
- Vice Chair, Franklin H. Williams Judicial Commission on Minorities, New York State Unified Court System, 1998-2015
- Founding Member, The Cervantes Society, 1996-present
- Member, Task Force to Implement the New York State Unified Court System's Program on the Profession and the Courts Subcommittee on Mandatory Continuing Legal Education Subcommittee on Part 130 of the Rules of the Chief Administrator, 1996-1997
- Member, Cornell Latino Alumni Association

• Publication

- Co-author along with Edward Birnbaum and Carl Grasso, *New York Trial Notebook*, (James Publishing, 2008) (supplemented annually), an 850-page comprehensive practice treatise for the trial of a civil case in New York

- **Lectures and Teaching**

- Panelist, Civil CLE Program, "ADR in the Private Sector," Association of Law Secretaries to Supreme and Surrogates' Court, October 2019
- Speaker, CLE Program, "Commercial Arbitration Training for Arbitrators and Counsel," Dispute Resolution Section—New York State Bar Association, June 2019
- Panelist, Global Pound Conference, Guatemala City 2017
- Presented to the Federal Bar Council at the Supreme Court of Puerto Rico, "Effective Techniques in Mediation Advocacy," March 2016
- Presented to a delegation of attorneys from the Japanese Medical Malpractice Information Center, "Medical Malpractice Mediation in New York," JAMS, 2014
- Moderator, Constructive Perspectives, "Are New York's Construction Safety and Insurance Laws Serving the Public?," New York City Bar Association, March 2014
- Moderator, CLE Program, "Effective Techniques in Mediation Advocacy," JAMS, February 2013
- Speaker, "2013 CPLR Update: 2012-2013 Major Appellate Decisions," Colombian Lawyers Association, April 2013
- Moderator, "Effective Techniques in Mediation Advocacy," Asian American Bar Association of New York, April 2013
- Moderator, "Bootcamp for Lawyers: The Ultimate Trial Clinic," New York State Trial Lawyers Institute, May 2013
- Served as a member of the New York State Unified Court System Civil Law Curriculum Development Committee and taught for many years at the New York State Judicial Institute
- Cornell Extern and Shadow Programs and the Brooklyn Law School Judicial Clerkship Clinical Program. Clinical programs at Hofstra Law School, Brooklyn Law School, and St. John's University Law School

Background and Education

- Associate Justice, Appellate Division, Second Department, Supreme Court of the State of New York, 2008-2012
- Justice of the Supreme Court of the State of New York, 1995-2012
 - Administrative Judge, Civil Term, Supreme Court, Kings County, 2007-2008
 - Associate Justice, Appellate Term, Supreme Court, Second and Eleventh Judicial Districts, 2005-2012
 - Justice of the Commercial Division, Supreme Court of the State of New York, 2002-2005
- Chief, Bronx Borough Office, City of New York Law Department, Office of the Corporation Counsel, Tort Division, 1994-1995
- Deputy Chief, Brooklyn Tort Division, City of New York Law Department, Office of the Corporation Counsel, 1993-1994
- Assistant Corporation Counsel, City of New York Law Department, Office of the Corporation Counsel, 1990-1993
- Supervising Attorney, Legal Aid Society of New York, Criminal Defense Division, 1986-1989
- Criminal Trial Attorney, Legal Aid Society of New York, Criminal Defense Division, 1981-1986
- J.D., with Specialization in International Legal Affairs, Cornell Law School, 1981
- B.A., *cum laude*, Brooklyn College, 1978

Practice Areas

- Administrative Law
- Appellate
- Arbitration
- Business/Commercial
- Construction
- Employment
- Entertainment and Sports
- Estates/Probate/Trusts
- Family Law
- Franchise

- Governmental/Public Agency
- Health Care
- Insurance
- International & Cross-Border
- Personal Injury/Torts
- Professional Liability
- Real Property
- Special Master/Discovery Referee

Locations

- New York, New York

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