



Harold Himmelman

Senior Counsel

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Harold has deep experience in civil litigation and Alternative Dispute Resolution (ADR) (as both an advocate and neutral mediator and arbitrator).

Harold has practiced law since 1967 when he was hired by the Civil Rights Division of the U.S. Department of Justice under its Honors Law Program. He has been with B&D since its first year, joining in 1975, and served as the first Managing Principal.

Alternative Dispute Resolution

Harold has for more than two decades been involved in service as a neutral in ADR. He is a senior mediator for the U.S. District Court for the District of Columbia and U.S. Court of Appeals for the D.C. Circuit Mediation Programs, a senior member of the Panel of Neutrals for JAMS (mediation and arbitration), and a member of the American Bar Association Section of Dispute Resolution. He teaches CLE courses and has lectured extensively on ADR before a variety of law firms, corporate audiences, federal agencies, and law schools.

Harold's ADR service has included mediating and arbitrating hundreds of complex disputes, a number of which have been the focus of intense media scrutiny. Many of his cases have involved tens or hundreds of millions of dollars in claims and counterclaims. Most of the disputes are among national and multi-national companies; a significant number have involved the U.S. government and various of its departments and agencies and, in some instances, top-level government officials (including litigation involving post-9/11 events and other matters linked to highest-level elected officials or political appointees).

For complete details about Harold's service as a mediator and arbitrator, see Representative Matters below and his biographies on the [JAMS website](http://www.jamsadr.com) (www.jamsadr.com).

Litigation, Transactions, Pesticides & Biotechnology

Harold's law practice concentrates on litigation and commercial transactions. He focuses on issues related to the invention, registration, management, and marketing of proprietary agricultural pesticide and biotechnology products and the extensive scientific data required to be submitted to federal and state regulatory agencies to support these products. This work has involved negotiations, ADR (including arbitrations), administrative proceedings, and litigation at all levels of the federal courts. Harold has prepared U.S. and worldwide joint data development and commercial supply and licensing agreements. In addition, he works extensively on forming and representing

task forces comprising national and multinational companies of all sizes, which operate as joint ventures or limited liability companies to generate data and other information to meet government requirements.

Education

- Williams College (B.A., *cum laude*, 1964)
 - Highest Honors
 - Phi Beta Kappa
- New York University (LL.B., 1967)
 - William Walsh Scholar

Bar Admissions

- District of Columbia

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals - D.C. Circuit
- U.S. District Court – District of Columbia

Professional Affiliations

- American Bar Association
- District of Columbia Bar Association

Community Involvement

Harold has been involved over the years on a number of private, non-profit Boards and in sports-related activities. He now serves as the Chairman of the Board of the Cal Ripken, Sr. Foundation, a non-profit organization founded by Cal Ripken, Jr. his brother, Bill, and their mom in honor of the late Cal, Sr., who mentored and coached thousands of major league players, managers, and coaches. The Foundation provides support for under-served and at-risk youth by building Youth Development Parks (some with Adaptive Fields for children with disabilities) across the nation in impoverished areas, providing original programming and partnering with local police, U.S. Marshals, other public bodies, and youth service organizations.

Representative Matters

Harold's ADR work where he serves as a neutral mediator or arbitrator encompasses cases in such areas as:

- Fraud, fiduciary duty, and United States and State False Claims Act, *qui tam*, and whistleblower disputes encompassing the national defense industry; private security firms;

office, software and tool suppliers; Medicare and Medicaid (hospitals, nursing homes, and doctors); and U.S businesses operating outside the United States.

- Intellectual property, including patents, copyrights, trademarks, and licensing agreements.
- Music copyright infringement and royalty disputes involving major recording companies, artists, and media outlets.
- Professional liability and malpractice alleged against law firms, investment companies, and other professional organizations.
- Sports, entertainment and media (a primary U.S. national sports league, its players' association and individual players; partners who owned a professional sports team; sales of television and radio stations; a newspaper and a nationally-syndicated political radio show; public interest groups and contractors in disputes with national and internationally-acclaimed entertainment companies.
- Commercial transactions and business partnerships in fields such as energy (nuclear, oil), pharmaceuticals, medical supplies, housing, consulting, real estate, and valuations.
- Technology (telecommunications, medical products, provision of software and services, information management systems).
- Federal regulatory disputes pending in the U.S. Court of Appeals for the District of Columbia over housing regulations, Medicare rules, and airline routing and security issues.
- Employment (whistleblower; race, gender, age, disability discrimination; executive tenure, compensation, and equity rights; retaliation, defamation, and non-compete provisions).
- Franchises (auto, food, hotel).
- Banking/investment (FDIC, Office of the Comptroller, pension funds, and private investment accounts).
- Shareholder actions.
- Environment (Superfund, other remedial actions, nuclear plant decontamination).