

# EDNA SUSSMAN, ESQ.,

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*Arbitrator & Mediator*  
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## **Background and Dispute Resolution Experience**

**Current:** Arbitrator and mediator since 1995, full time since 2003, Principal SussmanADR LLC; Distinguished ADR Practitioner in Residence at Fordham Law School

**Former:** Litigation Partner at White & Case, LLP; Of Counsel, Hoguet Newman Regal & Kenney, LLP; Litigator, arbitrator and mediator in complex domestic and international litigations, arbitrations and mediations. Cases handled as an arbitrator involved claims ranging in value from \$1 million to \$1 billion.

**Arbitration** – conducted over 200 arbitrations of complex multi-million dollar commercial disputes as chair, sole and co-arbitrator under many institutional rules and in ad hoc proceedings; fellow of the Chartered Institute of Arbitrators, one of 6 trainers nationwide for the AAA’s new arbitrators and provides advanced training for the AAA’s ICDR international arbitrators.

**Mediation** – conducted over 200 complex commercial mediations; certified as a mediator by the Courts in New York and by the International Mediation Institute and serves on the mediation panels of the courts in New York.

**Arbitration and Mediation Panels** –AAA, ICDR, CPR, Brazil, Swiss, Vienna, Hong Kong, South China, Shanghai, Singapore, Korea, Kuala Lumpur, Australia, Vietnam, Dubai, Kigali and British Columbia, Energy Arbitrators List Around the World, FINRA (securities) , National Futures Ass., U.S. Institute for Environmental Conflict Resolution, NY courts, ICC registered.

## **Professional Recognition**

Ranked Band 1 by Chambers USA and Chambers Global for International Arbitration (*"very quick to learn the facts and arguments and makes quick and practical rulings" "well prepared, and interested in making sure all parties have their opportunities," "tremendous leader in the field" "strong common sense and ability to get a case to resolution" "She's so smart, so careful and so balanced" "a very effective chair" "she's extremely good at cutting right to the point."*)

Who's Who of International Commercial Arbitration and Commercial Mediation-Listed annually

Best Lawyer and Super Lawyers - listed annually for Arbitration and Mediation

Rated One of the Ten Outstanding International Mediators by Who's Who Legal

Ranked Band 2 by Chambers USA for Mediation

2017 ADR Champion, National Law Journal

2014 Achievement Award, Association for Conflict Resolution

Selected as an Outstanding Woman in Energy Law, Energy Law 360

### **Representative arbitration and mediation matters:**

- **Commercial contracts:** broad range of commercial disputes including payment, pricing, defective deliverables, delays, deficient services, fraud, commercial code, warranties
- **Intellectual property:** IP licensing, R&D, ownership disputes, patent infringement, trade secret misappropriation, trademark infringement, trade dress, violations of NDA, FRAND, laches
- **Corporate mergers, acquisitions, dissolutions, shareholder disputes:** reps and warranties, post-closing adjustments, earn-outs entitlement, violation of non-compete, asset valuation, fraud
- **Pharmaceuticals, Health Care, Life Sciences:** product development, royalties, M&A, distribution, marketing, pricing, rebates, manufacture, delivery, licensing, recall, FDA issues
- **Financial matters:** bank/broker/customer, debt obligations, fees, tax, guarantees, hedge fund, private placement, private equity, mortgage backed securities, structured products, broker fees
- **Energy:** electricity production, pricing and distribution, energy service contracts, photovoltaic/solar, wind turbines, energy intellectual property, hydraulic fracturing (fracking), renewable energy credits (RECs), oil spills and clean ups,
- **Insurance:** Bermuda form, E&O, D&O, NEIL, rep & warranty, professional liability, credit risk, property and casualty, builder's risk, malpractice, fidelity, title, transit, health, employment,
- **Partnerships and Joint Ventures:** payments and ownership, accounting, mismanagement and misappropriation, breach of non-compete, removal of general partner, fiduciary duties
- **Franchises/distributorships/agencies:** terminations, failure to support, royalty payments, non-compete; exclusive arrangements, coop advertising, best/commercially reasonable efforts, targets
- **Construction and Real Estate:** construction disputes, delay damages, defects, developer/landlord and tenant/coop/condo, breaches of contract for sale, sub-prime mortgages
- **Securities:** fraud, customer/broker/investment adviser disputes, private placements, churning
- **Professionals:** accountant's liability (e.g. audit, tax advice), attorney malpractice, fee collections
- **Environmental:** remediation responsibility, defective remediation systems, oil spills, superfund, infrastructure disputes, RECs, environmental assessments, storm water management
- **Telecommunication:** carrier services, mobile phone software infringement, off-shore customer services, FRAND disputes, licensing disputes, executive stock options
- **Aviation:** defective parts supply claims, warranty claims, failure to supply and delay, intellectual property, aviation R&D, ownership claims, sales commission for aircraft sales
- **Hospitality:** development projects, motel and fast food franchisee and distributorship disputes
- **Employment:** executive compensation, stock options

### **Education, Selected Bar Association and Professional Activities:**

*Columbia Law School:* (J.D. 1973); *Barnard College* (B. A. 1970)

*New York International Arbitration Center*, Chair, Board of Directors

*AAA-ICDR Foundation*, Chair, Board of Directors

*American Arbitration Association*, Director

*College of Commercial Arbitrators*, President 2015-2016, Fellow

*New York State Bar Association*

- Co-Editor-In-Chief, Dispute Resolution Lawyer; Chair 2010-2011, Dispute Resolution Section

*American Bar Association*

- Co-Chair, Arbitration Committees, 2010-2012, International and Dispute Resolution Sections
- Chair, Renewable Energy Committee 2006-2008, Chair, Dispute Resolution Committee 2008-2010, Section of Environment Energy and Resources

*New York City Bar Association*

- Chair, Energy Committee 2006-2009, member, International Commercial Disputes Committee

*Energy Bar Association* - Chair, Alternative Dispute Resolution Committee 2008-2009

*ICC* - Advisory Committee on Arbitration and ADR, U.S. Nominating Committee

### **Selected Publications:**

- *Everyone Can be a Winner in Baseball Arbitration*, NY Dispute Resolution Lawyer, Spring 2019
- *The Singapore Convention: Recognition of Mediated Settlement Agreements*, ICC Bulletin, fall 2018
- *Mock Arbitration for your Case: Optimizing your Strategies*, Fordham International Law Journal, 2018
- *Cyber Intrusion as the Guerrilla Tactic: An Appraisal of Historical Challenges*, ICCA 2018 Conference
- *The Conduct of International Arbitration Proceedings in the United States*, in Int'l Arb. in the US 2017
- *Biases and Heuristics in Arbitrator Decision-Making in Roles of Psychology in Int'l Arbitration* 2017
- *The Arbitrator Survey, Practices, Preferences and Changes on the Horizon*, Am. Rev. Intl. Arb. 2015
- *The Path Forward: A Convention for Enforcement of Mediated Settlements*, TDM 2015
- *Evaluating the Advantages and Drawbacks of Emergency Arbitrators*, NY Law Journal 2015
- *Ethics in International Arbitration*, in Soft Law in International Arbitration, Juris Publ. 2014
- *Med-Arb: An Argument for Favoring Ex Parte Communications*, World Arb. and Mediation Rev., 2013
- *Improving your Arbitration Presentation with a Mock Arbitration: NY Disp. Res. Lawyer*, 2012
- *All's Fair in Love and War: or is it?: Reflections on a Code of Ethics*, ARIA, 2012
- *Drafting the Arbitration Clause: A Primer*, Dispute Resolution Journal, 2012
- *Use of Dispositive Motions in Arbitration*, NY Dispute Resolution Lawyer, Spring 2011
- *Time and Cost Solutions for Commercial Arbitration*, Dispute Resolution Journal, 2011
- *A Multilateral Energy Sector Investment Treaty: International Lawyer*, 2011
- *Combinations and Permutations of Arbitration and Mediation: in ADR in Business*, Kluwer Publ. 2011
- *The Advantages of Mediation in Investor State Disputes*, Revista Brasileira de Arbitragem, 2011

### **Selected Presentations:**

- *Global Harmonisation and Differing Statutory Approaches*: CIArb, Oxford, September 2019
- *The Litigation Culture in Arbitration*, CAM-CBCC September 2019
- *The Singapore Convention*., United Nations UNCITRAL WWIII side event, April 2019
- *The Art of Advocacy – Tips, Tricks and War stories* ICDR and ArbitralWomen April 2019
- *Perception and Reality; Psychology in Arbitration*, Vienna Arbitration Days March 2019
- *Arbitration Seats Around the World*, Israel Int'l Arbitration Day, Tel-Aviv, February 2019
- *Advocacy and Persuasion*, IBA Litigation Section, Chicago May 2018
- *Party and Tribunal-appointed experts: Pros, Cons, and... Tips*, ABA and NYIAC May 2018
- *Technology as Disruption*, ICCA Sydney April 2018
- *Best Practices and Perspectives from Leading International Arbitrators*, ICDR, Miami, February 2018
- *Thorny Issue for Arbitrators*, ICC Canada, Montreal, November 2017
- *Drafting the Award for Enforceability and User Satisfaction*, American Bar Association, June 2017
- *Arbitrating Cross-Border M&A Disputes*, NYSBA/Union Internationale des Avocats, June 2017
- *Annulment at the Seat and its Ramifications*, LCIA, Tylney Hall, UK May, 2016
- *Impact of Emotions and Moral Judgments on Decision Making*, PluriCourts, Oslo May 2016
- *Red Flag Alert: Data Security and Arbitration*, NY International Arbitration Center, May 2016
- *Ethics Considerations When Choosing a Seat of Arbitration*, ABA, International Section, April 2016
- *Subconscious Influences in International Arbitration*, ITA, June 2015
- *Who's arbitration is it?* Leading Arbitrators Conference, JURIS, Vienna, March 2015
- *The Corporate World and International Dispute Resolution*, ICDR, ICC and ICSID, November 2014
- *The International Arbitrator's Perspective*, ICDR, CAM-CCBC, AMCHAM, São Paulo, Nov. 2014
- *Decision Making: What Goes on in the Tribunal's Mind?* Center for Int'l Legal Studies, Salzburg 2014