

# EDNA SUSSMAN, ESQ.

---

## **SussmanADR LLC**

esussman@sussmanadr.com

www.SussmanADR.com

**Mailing and delivery address:** 20 Oak Lane, Scarsdale, NY 10583

Fax: 914-472-8975

Cell: 914-261-6816

**Office address:** 10 East 40<sup>th</sup> St., 35<sup>th</sup> Floor, New York, NY 10016

## **Arbitrator & Mediator**

Tel: 212-213-2173

Tel: 914-472-9406

## **Background**

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

**Former:** Litigation Partner at White & Case, LLP; Of Counsel, Hoguet Newman Regal & Kenney, LLP; Litigation attorney representing clients and serving as an arbitrator and mediator in complex domestic and international commercial litigations, arbitrations and mediations. Cases handled involved claims or were determinative of transactions ranging in value from \$1 million to \$3 billion.

## **Dispute Resolution Experience**

**Arbitration** – conducted over 100 arbitrations of complex multi-million dollar business disputes as chair, sole and co-arbitrator under many institutional rules in administered and ad hoc proceedings; one of six trainers for the American Arbitration Association’s new arbitrators and provides advanced training for the AAA’s ICDR international arbitrators.

**Mediation** – conducted over 100 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 federal, state and bankruptcy courts in New York; provides mediation trainings for the American Arbitration Association and others.

**Arbitration and Mediation Panels** – (AAA) American Arbitration Association, ICDR (International Centre for Dispute Resolution), CPR (International Institute for Conflict Prevention and Resolution), Energy Arbitrators List Around the World, Hong Kong, South China, Korea, Kuala Lumpur, Swiss, Vienna, Dubai, and British Columbia Arbitration Centres, FINRA (securities disputes), National Futures Association, U.S. Institute for Environmental Conflict Resolution, federal, state and bankruptcy courts in N.Y., listed by ICC and LCIA.

## **Education and Professional Positions**

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

*American Arbitration Association, Director, member of executive committee*

*New York International Arbitration Center, Director, Vice-chair*

*Chartered Institute of Arbitrators, Fellow*

*College of Commercial Arbitrators, Fellow, Director, Vice-President*

*ICC, U.S. Member of the ICC Consultative Task Force on the ADR Rules.*

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

- **Commercial contracts:** broad range of commercial disputes including delivery of defective goods, provision of deficient services, failure to pay, misrepresentations, fraud, commercial code issues, breach of warranties
- **Energy:** electricity production, pricing and distribution, oil spills, oil warrants, energy service company (ESCOs) disputes, PMPA, renewable energy credits, energy IP, fracking
- **Environmental:** environmental assessments, environmental cleanups, superfund/CERCLA, stormwater management, sewer and infrastructure disputes, environmental attribute credits
- **Intellectual property:** licensing fees, R&D disputes, ownership disputes
- **Corporate mergers, acquisitions and dissolutions:** breaches of reps and warranties, post-closing adjustments, earn-outs entitlement, post-sale competition by seller, asset valuation
- **Partnerships and Joint Ventures:** entitlement to payments and ownership, accounting, mismanagement and misappropriation, removal of general partner, breach of non-compete
- **Professionals:** accountant's liability, attorney malpractice, fee collections
- **Financial matters:** bank/broker/customer, tax, guarantees, hedge fund, private placements, private equity, carry, mortgage backed securities, structured products, secured transactions
- **Insurance:** Bermuda form, credit risk, property and casualty, builders risk, malpractice, transit, mold, stop loss, fidelity, health, title, workman's comp and employment practices
- **Franchises /dealerships:** terminations, failure to support, royalty payments, non-compete
- **Construction and Real Estate:** construction disputes, delay damages, developer/landlord and tenant disputes, breaches of contract for sale, sub-prime mortgages
- **Securities:** fraud, 10b-5, customer/broker/investment adviser, private placements,
- **Pharmaceuticals and Health Care:** product development, product delivery, licensing, royalties, distribution and marketing, therapeutic services, pharma company valuations
- **Aviation-**defective parts supply claims, ownership claims in intellectual property and aviation R&D corporation, real estate lease for crew layovers, sales commission for aircraft
- **Hospitality-** partnership disputes over development projects, many motel and fast food franchisee and distributorship disputes
- **Trusts-** family disputes including disputes concerning real estate and art
- **Employment** – wrongful termination, failure to pay earned stock and other compensation

## **Bar Association Activities**

### ***New York State Bar Association***

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

### ***American Bar Association***

- Co-Chair, Arbitration Committee, 2010-2012, Section of International Law
- Co-Chair, Arbitration Committee, 2009-2012, Section of Dispute Resolution
- Chair, Renewable Energy Committee 2004-2007, Chair, Dispute Resolution Committee 2007-2009, Section of Environment Energy and Resources

### ***New York City Bar Association***

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

### ***Energy Bar Association***

- Chair, Alternative Dispute Resolution Committee 2008-2009

### ***International Bar Association***

- Member subcommittee on IBA Rules on Investor State Mediation

### ***American Law Institute***

- Member Consultative Group, Restatement of International Commercial Arbitration

**Selected Recent Articles (See [www.SussmanADR.com](http://www.SussmanADR.com) for a more complete listing):**

*Can Counsel Ethics Beat Guerrilla Tactics?: Background and Impact of the New IBA Guidelines on Party Representation in International Arbitration*, NY Dispute Resolution Lawyer, 2013  
*Psychological Influences on Arbitrator Decision Making: Suggestions for Arbitrators and Counsel*, American Review of International Arbitration, 2013,  
*Drafting the Arbitration Clause: A Primer on the Opportunities and the Pitfalls*, Dispute Resolution Journal, 2012  
*Use of Dispositive Motions in Arbitration*, NY Dispute Resolution Lawyer, 2011  
*Time and Cost Solutions for Commercial Arbitration*, Dispute Resolution Journal, 2011  
*A Multilateral Energy Sector Investment Treaty: Is it Time for a Call for Adoption by all Nations?* International Lawyer, 2011  
*The Energy Charter Treaty Can Foster Solutions to Global Warming and Promote Sustainable Development*, in Sustainable Development in International Investment Law, (Kluwer Publ.) 2010  
*Adaptation to Climate Change: Fostering Progress Through Law and Regulation*, lead author, New York University Law School Env. L. Rev., 2010  
*Reshaping Municipal and County Laws to Foster Green Building, Energy Efficiency and Renewable Energy*, New York University Law School Env. L. J., 2008  
*The New Paradigm for Green Buildings and Energy Efficiency*, Sustainable Energy, Bloomberg Law Reports, 2008  
*Complexities of Designing a U.S. Federal Carbon Regime*, Energy Law 360, July 2007  
*RGGI: New York Addresses Climate Change with the First Mandatory Greenhouse Gas Program*, New York State Bar Association Journal, 2006  
*The Energy Charter Treaty Affords Investor Protections and Right to Arbitration*, Oil Gas and Energy Law Intelligence, 2006  
*Renewable Energy Resources Development Initiatives on Public Lands*, ABA's Trend Newsletter, 2005

**Selected Recent Presentations (See [www.SussmanADR.com](http://www.SussmanADR.com) for a more complete listing):**

- *Symposium on International Commercial Arbitration*, session moderator, LCIA, 2013  
- *Essentials for Efficient Dispute Resolution*, 8<sup>th</sup> Annual ICC NY Conference, 2013  
- *Ethics and Arbitration*, XII CBAr Int'l Arbitration Congress, São Paulo, 2013  
- *Conversations with the World's Leading Arbitrators*; ABA, Section of Int'l Law, 2012  
- *Willem C. Vis Moot East- Judge of Final Round*, Hong Kong, 2013  
- *Mediation vs. Arbitration vs. Litigation*, Law, Justice and Development Week, World Bank, IFC, MIGA and ICSID, 2011  
- *Legislative and other U.S. Arbitration Developments*, U.S. Secretary of State's Advisory Committee on Private International Law Conference, 2010  
- *Recalibrating the Bilateral Investment Treaty: Are Changes Needed?*, Institute for Transnational Law and the American Society of International Law, 2010  
- *ADR for the Energy Sector*, Cardozo Law School, 2010  
- *Getting Renewables Projects Built, Overcoming the Barriers*, ABA 2009  
- *ADR and Environmental Disputes*, Pace Law School, 2009  
- *Considering the Costs and Benefits of Nuclear Power*, NYC Bar Association, 2008  
- *Energy Charter Treaty Arbitrations against Sovereign States*, WestLaw webinar, 2008  
- *Energy Efficiency: Emerging Regulatory, Market and Policy Measures*, ABA 2007  
- *Energy Charter Treaty: History and Potential*, American Branch of the Int'l Law Association 2007  
- *Biofuels and Biotechnology: Coexistence, Regulatory and Liability Issues*, ABA, 2007  
- *Energy and ADR: What Every Energy Professional Should Know*, Energy Bar Association, 2007  
- *Greenhouse Gas Trading*, IBA, 2006  
- *Arbitrating Energy Disputes*, ABA, 2006