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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 federal, state and bankruptcy courts in New York.

Arbitration and Mediation Panels –AAA, ICDR, CPR, and institutional panels in Brazil, Switzerland, Vienna, Hong Kong, South China, Shanghai, Singapore, Korea, Kuala Lumpur, Vietnam, Dubai, Lagos, Kigali, British Columbia, and Energy Arbitrators List Around the World, FINRA (securities), National Futures Association, U.S. Institute for Environmental Conflict Resolution, federal, state and bankruptcy courts in N.Y.; registered with ICC and LCIA.

Professional Recognition

Ranked by Chambers USA and Chambers Global for International Arbitration (“highly respected and really knows the business,” “terrific and dedicated,” “she is well prepared, well read and interested in making sure all parties have their opportunities”)

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

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

Rated One of the Ten Outstanding International Mediators by Who's Who Legal International Commercial Mediation, 2013

Selected as Best Lawyer's “2012 New York City Mediation Lawyer of the Year” (one selected)

Ranked by Chambers USA 2016 for Mediation (“incredibly smart,” “excellent reputation for her ability to guide parties involved in complex commercial disputes to mutually acceptable resolutions”)

Representative arbitration and mediation matters:

- **Commercial contracts:** broad range of commercial disputes including payment, pricing, defective deliverables, delays, deficient services, fraud, commercial code, warranties
- **Franchises/distributorships/agencies:** terminations, failure to support, royalty payments, non-compete; exclusive arrangements, coop advertising, best/commercially reasonable efforts, targets
- **Energy:** electricity production, pricing and distribution, energy service contracts, photovoltaic/solar, wind turbines, energy intellectual property, hydraulic fracturing (fracking), renewable energy credits, oil spills and clean ups, energy service company (ESCOs), PMPA
- **Intellectual property:** IP licensing, R&D, ownership disputes, patent infringement, trade secret misappropriation, trade mark infringement, trade dress, violations of NDA, FRAND, laches
- **Partnerships and Joint Ventures:** entitlement to payments and ownership, accounting, mismanagement and misappropriation, breach of non-compete, removal of general partner
- **Insurance:** Bermuda form, E&O, professional liability, credit risk, property and casualty, builders risk, malpractice, fidelity, title, transit, mold, stop loss, health, FEMA, employment
- **Corporate mergers, acquisitions and dissolutions:** breaches of reps and warranties, post-closing adjustments, earn-outs entitlement, violation of non-compete, asset valuation, fraud
- **Financial matters:** bank/broker/customer, debt obligations, fees, guarantees, hedge fund, private placements, private equity, mortgage backed securities, structured products, secured transactions
- **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
- **Pharmaceuticals and Health Care:** product development, manufacture, delivery, licensing, royalties, M&A, distribution, marketing, therapeutic services, recall, FDA issues, valuations
- **Aviation:** defective parts supply claims, failure to supply and delay, intellectual property ownership claims, real estate lease for crew layovers, sales commission for aircraft sales
- **Hospitality:** development projects, motel and fast food franchisee and distributorship disputes
- **Telecommunication:** mobile phone software infringement, off shore customer services, FRAND disputes, licensing disputes, executive stock options
- **Employment:** executive compensation, stock options, bonuses, wrongful termination

Education, Selected Bar Association and Professional Activities:

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

American Arbitration Association, Director

AAA-ICDR Foundation, Chair, Board of Directors

New York International Arbitration Center, Vice-chair, Director

College of Commercial Arbitrators, President 2015-2016, Fellow, Executive Committee

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 - U.S. Member of the Task Forces on the ADR Rules and on Emergency Arbitration

Selected Publications:

- *A General Overview of the Conduct of International Arbitration Proceedings in the United States*, in *International Arbitration in the United States*, Kluwer Publ. 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
- *Arbitrator Decision Making: Unconscious Psychological Influences*, *Am. Rev. of Int'l Arb.* 2013
- *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 An International Code of Ethics for Counsel in Arbitration*, *American Review of International Arbitration* 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:

- *Thorny Issue for Arbitrators*, ICC Canada, November 2017
- *Drafting the Award for Enforceability and User Satisfaction*, American Bar Association, June 2017
- *The Mediation Window*, ICC Miami, November 2016
- *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
- *The Fairness Imperative: Achieving Justice in High Intensity Arbitration*, AAA/ICDR, Feb. 2016
- *Ethics Considerations When Choosing a Seat of Arbitration*, American Bar Association, 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
- *Arbitral Legitimacy, The Users' and Justices' Perspectives*, ICCA Congress, Miami, 2014
- *Use of Arbitration and Mediation for Energy Disputes*, Energy Bar Association, 2014
- *Jurisdiction*, Co-chair working session, London Court of International Arbitration, Boston, 2013
- *Essentials for Efficient Dispute Resolution*, 8th Annual ICC NY Conference, 2013
- *Willem C. Vis Moot East- Judge of Final Round*, Hong Kong, 2013
- *Conversations with the World's Leading Arbitrators*; American Bar Association, 2012
- *Mediation vs. Arbitration vs. Litigation*, World Bank, IFC, MIGA and ICSID, 2011
- *Saving Time and Lowering Costs, What Options Can Really be Accomplished*, IBA and ICDR, 2011
- *Guerrilla Tactics in Arbitration*, ICC Austria, 2010
- *Legislative and other U.S. Arbitration Developments*, U.S. Sec'y of State's Advisory Committee, 2010
- *Recalibrating the Bilateral Investment Treaty*: ITA - American Society of International Law, 2010