

# 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 \$1.5 billion.

**Arbitration** – conducted over 300 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, served as one of 6 trainers nationwide for the AAA’s new arbitrators and provides 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 served on the mediation panel of 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, 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 Tier 1 Chambers for International Arbitration *"very quick to learn the facts and arguments, 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, conscientious and detail oriented, runs a tight ship."*

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 2013

2021 American Arbitration Association Vision Award

2020 Distinguished Neutral of the Year Award, National Academy of Distinguished Neutrals

2017 ADR Champion, National Law Journal

Law 360 Outstanding Woman in Energy Law

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

- **Commercial contracts:** broad range of commercial disputes including payment, pricing, defective deliverables, delays, deficient services, fraud, commercial code, warranties
- **Pharmaceuticals, Health Care, Life Sciences:** product development, royalties, M&A, distribution, marketing, pricing, rebates, manufacture, delivery, licensing, recall, FDA issues
- **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
- **Energy:** electricity production, pricing and distribution, service contracts, photovoltaic/solar, wind turbines, hydraulic fracturing (fracking), renewable energy credits (RECs), oil spills
- **Environmental:** remediation responsibility, defective remediation systems, oil spills, superfund, infrastructure disputes, RECs, environmental assessments, storm water management
- **Financial matters:** bank/broker/customer, debt obligations, fees, tax, guarantees, hedge fund, private placement, private equity, mortgage backed securities, structured products, broker fees
- **Telecommunication:** carrier services, mobile phone software infringement, off-shore customer services, FRAND disputes, licensing disputes, executive stock options, post M&A disputes
- **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,
- **Aviation:** defective parts supply claims, warranty claims, failure to supply and delay, intellectual property, aviation R&D, ownership claims, sales commission for aircraft sales
- **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
- **Professionals:** accountant's liability (e.g. audit, tax advice), attorney malpractice, fee collections
- **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
- **Hospitality:** development projects, motel and fast food franchisee and distributorship disputes

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

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

*Certified LEED Buildings* 2004 (Leadership in Energy and Environmental Design)

*New York International Arbitration Center*, former Chair 2019-2020, Executive Committee

*AAA-ICDR Foundation*, former Chair of Board of Directors 2015-2020, Director

*American Arbitration Association*, Director 2010-2021

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

*ICC* - Advisory Board on Arbitration and ADR 2020- 2022, U.S. Nominations Commission 2018-2021

*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

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

**Selected General ADR publications All articles are available at [www.SussmanADR.com](http://www.SussmanADR.com)**

- *Arbitrator Techniques and their (Direct or Potential) Effect on Settlement*, IMI, CCA, Pepperdine, 2021
- *The Mediation Window: An Arbitration Process Measure to Facilitate Settlement*, NYSBA Spring 2020
- *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
- *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
- *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 General Arbitration Presentations:**

- *Climate Change Commercial Disputes and Arbitration* ArbitralWomen 2021
- *Creating Solution-Driven Dispute Resolution Processes*, Fordham Law School November 2020
- *Global Harmonisation and Differing Statutory Approaches: CI Arb*, 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
- *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

**Selected Climate Change Publications: All articles are available at [www.SussmanADR.com](http://www.SussmanADR.com)**

- Post COP 12: A 2007 Snapshot of Climate Change Litigation, Potential Disputes and Alternative Dispute Resolution, chapter in *Dispute Resolution and Climate Change: the Paris Agreement and Beyond*, ICC Publications 2017
- A Multilateral Energy Sector Investment Treaty: Is it Time for a Call for Adoption by all Nations? *International Lawyer*, January 2011
- The Energy Charter Treaty Can Foster Solutions to Global Warming and Promote Sustainable Development, in *Sustainable Development in International Investment Law*, Editor Andrew Newcombe (Publisher Kluwer) 2010
- Adaptation to Climate Change: Fostering Progress Through Law and Regulation, lead author with David C. Major, *New York University Law School Environmental Law Review*, January 2010
- Law, Regulation and Climate Change, lead author with David C. Major, chapter in *New York City Panel on Climate Change, 2009 Report* (publisher New York Academy of Sciences) 2010
- Climate Change Framing and Social Marketing: The Influences that Persuade, *Pace Law School Environmental Law Journal*, January 2010
- Sustainable Westchester: A Case Study in a Community Collaborative Effort, *Dispute Resolution Committee newsletter of the American Bar Association Section of Environment Energy and Resources*, January 2009
- The New Paradigm for Green Buildings and Energy Efficiency, *Sustainable Energy, Bloomberg Law Reports*, December 2008
- The Energy Charter Treaty's Investor Protection Provisions: Potential to Foster Solutions to Global Warming and Promote Sustainable Development, *ILSA Journal of Int'l & Comparative Law*, Vol. 14:2 (2008)
- Reshaping Municipal and County Laws to Foster Green Building Energy Efficiency and Renewable Energy, *New York University Law School Environmental Law Journal*, Vol. XVI Issue 1 (2008)
- Complexities of Designing a U.S. Federal Carbon Regime, *Energy Law 360*, July 2007
- Building Stock Offers Opportunities to Foster Sustainability and Provide Tools for Climate Change Mitigation and Adaptation, *American University Washington College of Law, Sustainable Development Law & Policy Journal*, Vol. VII Issue 3 (2007)
- The Energy Charter Treaty Affords Investor Protections and Right to Arbitration, *Oil Gas and Energy Law Intelligence*, October 2006
- RGGI: New York Addresses Climate Change with the First Mandatory Greenhouse Gas Program, *New York State Bar Association Journal*, Vol. 78, No. 4, May 2006
- Sustainable Westchester: A Community Partnership: A Model for Implementing a County-Wide Sustainability Plan, March, 2006
- Green Buildings: An Overview and Developments, *ABA's Section of Environment Energy and Resources, Trend Magazine* May/June 2005
- Renewable Energy Resources Development Initiatives on Public Lands, *American Bar Association's Trend Newsletter* March/April 2005