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Arbitrator
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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 – Panel of Conciliators maintained by ICSID, conducted over 200 complex commercial mediations; certified as a mediator by the International Mediation Institute and served on the mediation panels 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 Chambers Band 1 for International Arbitration and ranked by Chambers among the Most In-Demand Arbitrators; Global Market Leaders for International Arbitration. (*“very quick to learn the facts and arguments, makes quick and practical rulings, well prepared & 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, 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,, gets to bone of the issue, fantastic arbitrator, very efficient”*)

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

Representative arbitration and mediation matters:

- **Commercial contracts:** broad range of commercial disputes including breaches related to payment, pricing, defects, delays, deficient services, warranties, force majeure
- **Pharmaceuticals, Health Care, Life Sciences:** product development, royalties, M&A, distribution, marketing, pricing, rebates, manufacture, delivery, licensing, recall, FDA issues
- **Corporate mergers, acquisitions, dissolutions, shareholder disputes:** reps and warranties, post-closing adjustments, earn-outs entitlement, violation of non-compete, asset valuation, fraud
- **Intellectual property:** IP licensing, R&D, ownership disputes, patent infringement, trade secret misappropriation, trademark infringement, violations of NDA, FRAND, laches
- **Aviation:** defective parts, design defects, state of the art, supply claims, warranty claims, failure to supply and delay, intellectual property, aviation R&D, ownership claims, sales commissions
- **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, service contracts, photovoltaic/solar, wind turbines, hydraulic fracturing (fracking), renewable energy credits (RECs), oil spills
- **Telecommunication:** licensing disputes, FRAND disputes, antitrust, post M&A disputes, carrier services, mobile phone software infringement, off-shore customer services
- **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, entitlements, fiduciary
- **Environmental:** remediation responsibility, remediation systems, spills, superfund, infrastructure disputes, renewable energy credits, environmental assessments, storm water management
- **Construction and Real Estate:** construction disputes, partnership and developers' disputes, developer/landlord and tenant/coop/condo, breaches of contract for sale, sub-prime mortgages
- **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
- **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; Barnard College

New York International Arbitration Center, former Chair 2019-2020

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

American Arbitration Association, former Director 2010-2021

College of Commercial Arbitrators, President 2015-2016, Fellow

ICC - Advisory Committee on Arbitration and ADR 2020-, 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 Publications, All articles are available at www.SussmanADR.com

- *Reasons in Arbitration Awards: Not too Little Not Too Much*, NY Disp. Res. Law, 2024
- *Adding Strings to our Bow, Two Arbitration Proposals*, Arbitration International, 2023
- *Affiliation and Affinity: Unconscious Drivers of Arbitrator Decision-Making*, NY Disp. Res. Law 2022
- *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 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 L Journal, 2018
- *Cyber Intrusion as the Guerrilla Tactic: An Appraisal of Historical Challenges*, ICCA 2018 Conf.
- *Post COP 12: A 2007 Snapshot of Climate Change Disputes and Dispute Resolution*, ICC 2017
- *The Conduct of International Arbitration Proceedings in the United States*, in Int'l Arb. in US 2017
- *Biases and Heuristics in Arbitrator Decision-Making in Roles of Psychology in Int'l Arb.* 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 Med. 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, 2011
- *The Advantages of Mediation in Investor State Disputes*, Revista Brasileira de Arbitragem, 2011
- *Adaptation to Climate Change: Fostering Progress Through Law*, NYU Environment L Rev 2010

Selected Presentations:

- *Exploring the Psychology of Arbitration*, Canadian Arbitration Week, Toronto June 2024
- *Amicable Settlement of Disputes in International Arbitration*, ICC New York September 2024
- *Evolving Role of the Arbitrator*, CAM-CCBC, Sao Paulo Arbitration Week October 2024
- *Deep Fakes and Black Boxes: AI Evidence*, Fordham Law School, New York, November 2024
- *ICDR Symposium – discussion leader* Miami December 2024
- *Due Process and the Reasoned Award*, Institute for Transnational Arbitration, Texas 2024
- *M&A disputes and Arbitration*, DIS, NY Arbitration Week November 2023
- *GAR Live NY Artificial Intelligence* NY September 2023
- *Dispositive Motions* Paris Arbitration Week April 2023
- *Preserving Perspectives Project*, interview by the Institute for Transnational Arbitration, 2022
- *Rethinking Non-Adjudicative Dispute Resolution Processes*, New York Arbitration Week 2021
- *The Unusual Options, Final Offer, Mock, Arbitrator and Settlement*, Mute Off, 2021
- *Arbitrator's Soft Skills and Impediments to Settlement*, Rising Stars, 2021
- *Climate Change Disputes and Arbitration*, ArbitralWomen 2021
- *In Conversation with Neil Kaplan* Interview for DELOS, 2021
- *Legal Reasoning Across Commercial Disputes*, NY International Arbitration Center, 2021
- *Does Arbitration Still Wear the Crown*, CARTAL India, October 2020
- *Med Arb Pros and Cons*, British Columbia, October 2020
- *The Mediation Window CBAr – Comitê Brasileiro de Arbitragem* Oct 2020 Brazil
- *The International Arbitrators' Roundtable: What are the Issues?* ICDR Miami 2020
- *Setting Aside Arbitration Awards in Brazil: The Abengoa Case*, HardTalk NYC 2020
- *Drafting the Arbitration Clause*, New York State Bar Association, 2020
- *Tackling Tricky Scenarios: What Would You Do?* ICC New York 2019

Selected Energy Publications: All articles are available at 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
- *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