

Edna Sussman



Edna Sussman, an internationally and domestically recognized full time independent arbitrator and mediator who has conducted over 200 arbitrations and 200 mediations, is dedicated to providing a fair and efficient process tailored to the dispute.

Areas of Expertise:

- ACCOUNTING/FINANCE
- COMMERCIAL DISPUTES
- CONTRACTS
- ENERGY, OIL, GAS & WATER
- ENVIRONMENTAL/CERCLA
- INSURANCE/REINSURANCE
- INTELLECTUAL PROPERTY
- INTERNATIONAL ARBITRATION
- PATENT
- PHARMACEUTICALS
- SECURITIES/FINANCIAL SERVICES
- TELECOMMUNICATION
- TRADEMARK & COPYRIGHT

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, Hogue 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.

Arbitration and Mediation Panels – Swiss, Vienna, Hong Kong, South China, Shanghai, Singapore, Korea, Kuala Lumpur, Vietnam, Dubai, Lagos, Kigali and British Columbia, Energy Arbitrators List Around the World, FINRA (securities disputes), National Futures Association, U.S. Institute for Environmental Conflict Resolution, courts in N.Y.; registered with ICC.

Professional Recognition:

- Ranked by Chambers USA and Chambers Global for International Arbitration (“very quick to learn the facts and arguments presented to her, and she makes quick and practical rulings,” “she is well prepared, well read and interested in making sure all parties have their opportunities”) “highly respected and really knows the business,” “terrific and dedicated”)
- Listed annually: Who’s Who of International Commercial Arbitration and 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
- **Pharmaceuticals and Health Care:** product development, manufacture, delivery, licensing, royalties, M&A, distribution, marketing, therapeutic services, recall, FDA issues, valuations
- **Financial matters:** bank/broker/customer, debt obligations, fees, guarantees, hedge fund, private placements, private equity, mortgage backed securities, structured products, secured transactions
- **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, D&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
- **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
- **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:** carrier services, 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, forthcoming 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 and What you can do About Them, American Review of International Arbitration, 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:

- *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 workshop, 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
- *Technique and Ethics of Advocacy*, ICC Miami November 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*; ABA, Section of International Law 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. Secretary of State's Advisory Committee on Private International Law Conference, 2010