

Edna Sussman Esq. File Last Updated: 1/4/2013

Mailing address:
SussmanADR LLC
20 Oak Lane
Scarsdale, NY 10583

Office Address:
10 East 40th Street, Suite 3500
New York, New York 10016

Phone 212-213-2173
Fax: 914-472-8975
E-mail: esussman@sussmanadr.com

I. Admissions

Attorney New York (First Department) 1974
US District Court: Southern District NY 1974
US District Court: Eastern District NY 1974
US Court of Appeals, Second Circuit 1974
US Court of Appeals, Third Circuit 2005
United States Supreme Court 1978

II. Professional Organizations

ADR Panel Affiliations:

American Arbitration Association (AAA) large complex case, commercial, environmental and energy arbitration and mediation panels
International Centre for Dispute Resolution (ICDR), large complex case, commercial and energy arbitration and mediation panels
International Institute for Conflict Prevention and Resolution (CPR), commercial, international, energy oil & gas, franchise, banking, accounting and financial services panels
Hong Kong International Arbitration Centre, arbitration panel
Association Suisse de l'Arbitrage, arbitration panel
Vienna International Arbitral Centre, arbitration roster
Dubai International Arbitration Centre, arbitration panel
Kuala Lumpur Regional Centre for Arbitration, arbitration panel
British Columbia International Commercial Arbitration Centre, arbitration panel
Energy Arbitrators List Around the World, administered by the ICDR
U.S. Institute for Environmental Conflict Resolution, roster of ECR Practitioners
World Intellectual Property Organization (WIPO), arbitration roster
Chinese European Arbitration Centre, arbitration panel
Financial Industry Regulatory Authority (FINRA), arbitration & mediation panels
National Futures Association, arbitration panel

U.S. Council of International Business (USCIB) for ICC International Court of Arbitration
registered arbitrator and mediator
London Court of International Arbitration, listed in arbitrator data base
U.S. District Courts (S.D.N.Y, E.D.N.Y), New York State Supreme Court, Commercial
Division, U.S. Bankruptcy Courts (S.D.N.Y., E.D.N.Y.), mediation panels
National Academy of Distinguished Neutrals, arbitration & mediation panels
FedArb, arbitration panel

Bar Association and Professional Affiliations:

American Arbitration Association, Board Member

College of Commercial Arbitrators, Fellow, Board Member and Secretary

Chartered Institute of Arbitrators, Fellow, executive committee New York Chapter

New York International Arbitration Center, Vice–Chair and Board Member

American Bar Association (ABA)

- Co-Chair, 2010-2012 Arbitration Committee, Section of International Law
- Co- Chair, 2009-2012 Arbitration Committee and Member of Council, Dispute Resolution Section
- Chair, Alternative Dispute Resolution Committee (2008-2010) and Renewable Energy Resources Committee (2006-2008), Section of Environment Energy and Resources

New York State Bar Association (NYSBA)

- Chair, 2010-2011, Dispute Resolution Section
- Co-Editor-In-Chief, New York Dispute Resolution Lawyer

New York City Bar Association (NYCBA)

- Chair, Energy Committee (2006-2009)
- Member, International Commercial Disputes Committee

Energy Bar Association (EBA)

- Chair, Alternative Dispute Resolution Committee (2008-2009)

ICC, U.S. Member of the ICC Consultative Task Force on the ADR, Expertise and Dispute Board Rules.

AAA, member of Drafting Committee on Rules Regarding Discovery

International Bar Association, Member Arbitration and Mediation committees, member subcommittee on IBA Rules on Investor State Mediation

London Court of International Arbitration, Member, North American Users Member’s Council

International Arbitration Club of New York, Member

International Institute for Conflict Prevention and Resolution, Member Banking and Financial Services, Arbitration and Mediation committees

American Law Institute, member

Institute for Transnational Arbitration, member advisory board

Member of various other organizations and committees

III. General professional experience:

My specialty as an attorney has been as a commercial litigator specializing in complex corporate disputes. As a litigation partner and associate at White & Case and as Of Counsel at Hoguet Newman & Regal I represented clients in many different industries in a wide variety of complex international and domestic commercial disputes involving claims or determinative of transactions

ranging in value from \$1 million to \$3 billion. In the past eighteen years I have also served as a neutral in over 200 mediations and arbitrations.

IV. General pertinent experience:

As a member of the mediation and arbitration panel of many of the leading dispute resolution providers (listed above), as a court certified mediator for the Commercial Division of the New York Supreme Court and as a mediator for the S.D.N.Y. mediation panel, I have had extensive experience as a neutral and have successfully mediated well over 100 disputes and arbitrated well over an additional 100 disputes. Recent matters handled include:

- **Commercial contracts:** numerous disputes arising out of a broad range of commercial contracts, including failure to pay for goods or services, delivery of defective goods; provision of deficient services, commercial code issues, breaches of warranty, failure to deliver, misrepresentations and fraud, wrongful termination of agreement
- **Financial matters:** bank/customer; tax issues, tax shelters, payment defaults, guarantees, securities delivery failures, forgeries, hedge fund and private placement fees
- **Corporate mergers, acquisitions, dissolutions and valuations:** breaches of representations and warranties, post-closing adjustments, breaches of non-compete, asset valuations, fraud, entitlement to ongoing corporate information, business valuations
- **Securities:** fraud, 10b-5, private placements, collateralized debt obligations/mortgage backed securities/REMICs, broker/customer claims
- **Partnership and Joint Venture:** disputes as to entitlement to payments, removal of general partner, breach of fiduciary duties, misappropriation, mismanagement, accounting
- **Energy:** electricity production, supply, pricing and distribution, oil spills, oil warrants, energy service company (ESCOs) disputes, renewable energy credits, insurance
- **Environmental:** environmental assessments and remediation, superfund/CERCLA, stormwater management, sewer and infrastructure disputes, SOx and other environmental attribute credits, mold, eminent domain, ground water pollution
- **Intellectual property:** royalties, R&D, license termination, ownership/use of IP, failure to provide contracted IP, copyright, domain name, trade name
- **Franchises and distributorships:** dealer terminations, claims against franchisor for failure to provide contracted support, failure to pay royalties, breach of non-compete
- **Insurance:** credit risk, property and casualty, builders risk, malpractice, transit, mold, stop loss, health, fidelity, workman's comp and employment practices liability insurance
- **Professionals:** accountant's liability, attorney malpractice, fee collections
- **Pharmaceuticals and Health Care:** product development, licensing, royalties, distribution and marketing, therapeutic services, insurance
- **Aviation-**defective parts claims, breach of sales contract, ownership dispute in aviation R&D corporation, real estate lease by major airline, finder's fee for sale of aircraft
- **Hospitality:** partnership disputes, motel and fast food franchisee disputes
- **Construction and Real Estate:** construction disputes, major resort property development collapse, delay damages, sub-prime mortgages, developer/landlord and tenant disputes

V. Mediation training

I serve as a trainer for the American Arbitration Association for new mediators, one of only 5 of their neutrals who conduct such programs nationwide. I have conducted various mediation trainings for others.

I have participated in numerous arbitration and mediation trainings from 1994 to the present:

United States Bankruptcy Court for the Southern and Eastern Districts and the National

Association of Securities Dealers, mediation training (14 hours)

USDC Southern District of New York Mediation training (21 hours)

New York State Supreme Court, mediation training (14 hours)

Equal Employment Opportunity Commission, mediation training (14 hours)

National Association of Securities Dealers, arbitrator training (7 hours)

New York Stock Exchange, arbitrator training (3 Hours)

U.S. Institute for Environmental Conflict Resolution, conciliation training (14 hours)

VI. Pertinent bankruptcy experience: I have counseled on bankruptcy issues in the context of sophisticated business transactions and represented both secured and unsecured creditors in a broad variety of matters in various bankruptcy courts around the country. I have also represented the trustee in bankruptcy in extensive proceedings to recover property. Cases I handled became important precedents in the areas of adequate protection and the recognition of foreign trustees in bankruptcy. Recently I have written and spoken about the opportunities afforded by arbitration for the resolution of cross-border insolvencies and about the interplay between bankruptcy and arbitration law.

VII. General pertinent business or legal experience

Recognized repeatedly for expertise in mediation and arbitration:

Selected based on peer review as Best Lawyer's "2012 New York City Mediation Lawyer of the Year" (one selected)

Best Lawyer every year since 2007 for Arbitration and Mediation

Super Lawyers every year since 2009 for Alternative Dispute Resolution

Who's Who of International Commercial Mediation 2012, 2013

Who's Who of International Commercial Arbitration 2013

The International Who's Who of Business Lawyers, 2012

Ranked Tier One for Alternative Dispute Resolution in New York City by U.S. News & World Report 2010, 2012

Certified mediator, International Mediation Institute (IMI)

Selected as an Outstanding Woman in Energy Law by Energy Law 360, 2007

Publications and Speaking Engagements:

Publications: Co-editor in Chief, New York Dispute Resolution Lawyer, a publication of the New York State Bar Association, Associate Editor of Oil Gas and Energy Law Intelligence; formerly co-authored monthly column on litigation practice for the LEGAL TIMES OF NEW YORK and served as

co-editor of the LETTER OF CREDIT REPORTER and on the Advisory Board of LENDER LIABILITY LAW REPORT;

Recent Selected Publications:

- *Capturing the Benefits of Arbitration for Cross Border Insolvency Disputes*, forthcoming in Contemporary Issues in International Arbitration and Mediation, The Fordham Papers 2012, editor Arthur W. Rovine, (Martinus Nijhoff Publisher)
- *Arbitration Agreements and Bankruptcy: Which Law Trumps When?* NABTalk, Journal of the National Association of Bankruptcy Trustees, Summer 2010
- *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, spring 2012
- *Combinations and Permutations of Arbitration and Mediation: Issues and Solutions*, in ADR in Business, editor Arnold Ingen-Housz (Kluwer Publisher,) 2011
- *The Advantages of Mediation and the Special Challenges to its Utilization in Investor State Disputes*, Revista Brasileira de Arbitragem, 2011
- *How to Use Experts in Mediation*, in Mediation Techniques, International Bar Association 2010
- *User Preferences and Mediator Practices: Can They Be Reconciled Within the Parameters Set by Ethical Considerations*, World Arbitration and Mediation Review Vol. 3 No. 1 2009
- *The New York Convention Through A Mediation Prism*, American Bar Association Dispute Resolution Magazine, No. 15 Issue 4 (Summer 2009)
- *Developing an Effective Med-arb/Arb-med Process*, New York Dispute Resolution Lawyer, Spring 2009
- *The Reasons For Mediation's Bright Future*, New York State Bar Association, NY Dispute Resolution Lawyer, October 2008
- *The Final Step: Issues in Enforcing the Mediation Settlement Agreement*, Contemporary Issues in International Arbitration and Mediation, The Fordham Papers Vol. 2 2008, Ed. Arthur W. Rovine (Martinus Nijhoff Publisher)
- *Through Mediation, Adversaries Learned the Facts and Settled*, Construction News, March 2007
- *Survey of U.S. Case Law on Enforcing Mediation Settlement Agreements*, International Bar Association's Mediation Law Committee Newsletter, April 2006

Recent Representative Lectures:

Frequent speaker on arbitration and mediation practice and energy and environmental issues for the American Bar Association (ABA), New York City Bar Association and international, law school, business and other organizations. Recent presentations include:

- *The Potential for Using Arbitration in Cross-Border Bankruptcy Disputes*, Fordham International Arbitration and Mediation Conference, April 2012
- *Using mediation Concurrent with Arbitration*, American Bar Association, February 2012
- *Alternative Mediation Procedures: Just Because We Can, Should We?*, American Arbitration Association, Construction Conference, April 2011
- *Muscular Arbitration: Trimming the Fat out of Arbitration*, American Arbitration Association, March 2011
- *Effective Advocacy ion Mediation*, Erie County Bar Association June 2011
- *Med- Arb and the Future*, Association for Conflict Resolution - Greater New York Chapter, Inc. February 2011
- *The Supreme Court and Recent Arbitration Jurisprudence: Where are we headed?* Fordham Law School, January 2011
- *Promoting Settlement - Ethical and Practical Issues*, New York State Bar Association, January 2011
- *ADR for the Energy Sector*, Cardozo Law School, November 2010
- *Cross Cultural Mediation Forum*, AAA/ICDR meeting, November 2010
- *World Café- Mediation Issues*, International Bar Association, October 2010
- *Arbitration Conundrums- Dealing with the Difficult Issues*: College of Commercial Arbitrators, October 2010
- *Mediation in the Context of Arbitration*, Fordham Law School Conference on International Arbitration and Mediation, June 2009

Education: Barnard College 1970, Columbia Law School 1973