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Background

Current: Arbitrator and mediator since 1995, full time since 2003, Distinguished ADR Practitioner in Residence at Fordham Law School, Principal SussmanADR LLC

Former: Litigation Partner at White & Case, LLP; Of Counsel, Hoguet Newman Regal & Kenney, LLP; Litigation attorney serving as an arbitrator and mediator in complex domestic and international commercial litigations, arbitrations and mediations. Cases handled involved claims or were determinative of transactions ranging in value from \$1 million to \$3 billion.

Dispute Resolution Experience

Arbitration – conducted over 150 arbitrations of complex multi-million dollar commercial disputes as chair, sole and co-arbitrator under many institutional rules in administered and ad hoc proceedings; one of six trainers for the American Arbitration Association’s new arbitrators and provides advanced training for the AAA’s ICDR international arbitrators.

Mediation – conducted over 150 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; provides mediation trainings for the American Arbitration Association and others.

Arbitration and Mediation Panels – (AAA) American Arbitration Association, ICDR (International Centre for Dispute Resolution), CPR, Hong Kong, South China, Shanghai, Singapore, Korea, Kuala Lumpur, Swiss, Vienna, Dubai, Kigali and British Columbia, Energy Arbitrators List Around the World, FINRA (securities disputes), National Futures Association, U.S. Institute for Environmental Conflict Resolution, federal, state and bankruptcy courts in N.Y., listed by ICC.

Professional Recognition

Ranked by Chambers USA 2015 for International Arbitration (“highly respected and really knows the business”)

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)

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

Representative arbitration and mediation matters:

- **Commercial contracts:** broad range of commercial disputes including payment, pricing, defective deliverables, delays, deficient services, misrepresentations, fraud, misrepresentations, commercial code, warranties, commercially reasonable efforts, sales targets, damages limitations
- **Energy:** electricity production, pricing and distribution, energy service contracts, photovoltaic/solar, wind turbines, energy intellectual property, hydraulic fracturing (fracking), renewable energy credits, oil spills, oil warrants, energy service company (ESCOs), PMPA
- **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, guarantees, hedge fund, private placements, private equity, mortgage backed securities, structured products, secured transactions,
- **Partnerships and Joint Ventures:** entitlement to payments and ownership, accounting, mismanagement and misappropriation, removal of general partner, breach of non-compete
- **Franchises /dealerships:** terminations, failure to support, royalty payments, non-compete
- **Environmental:** environmental assessments, environmental cleanups, remediation responsibility, superfund/CERCLA, stormwater, sewer and infrastructure disputes, renewable energy credits
- **Intellectual property:** licensing, R&D, ownership disputes, copyright, trade secret, trade dress
- **Insurance:** Bermuda form, credit risk, property and casualty, builders risk, malpractice, fidelity, title, transit, mold, stop loss, health, FEMA, workman's comp and employment practices
- **Construction and Real Estate:** construction disputes, delay damages, defects, developer/landlord and tenant disputes, 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
- **Pharmaceuticals and Health Care:** product development, product delivery, licensing, royalties, distribution and marketing, therapeutic services, recall responsibility, pharma company 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

Education, Bar Association and Professional Activities:

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

American Arbitration Association, Director, member of executive committee

New York International Arbitration Center, Vice-chair, Director

College of Commercial Arbitrators, President-Elect, Fellow

Chartered Institute of Arbitrators, Fellow

New York State Bar Association

- 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 2004-2007, Chair, Dispute Resolution Committee 2007-2009, 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

International Bar Association - Member subcommittee on IBA Rules on Investor State Mediation

American Law Institute- Consultative Group, Restatement of International Commercial Arbitration

ICC - U.S. Member of the ICC Consultative Task Force on the ADR Rules.

Selected Presentations (See www.SussmanADR.com for a more complete listing):

- *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 Arbitrators Perspective*, ICDR, CAM-CCBC, AMCHAM, São Paulo, November 2014
- *Technique and Ethics of Advocacy*, ICC Miami November 2014
- *Expanding the Use of Mediation: "Opting-Out", Recognition & Hybrids*, IMI, CEDR, London Oct. 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 (LCIA) Boston, 2013
- *Essentials for Efficient Dispute Resolution*, 8th Annual ICC NY Conference 2013
- *Ethics and Arbitration*, XII CBAr Int'l Arbitration Congress, São Paulo 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
- *Recalibrating the Bilateral Investment Treaty: ITA - American Society of International Law*, 2010

Selected Publications (See www.SussmanADR.com for a more complete listing):

- *A Path Forward: Convention for the Enforcement of Mediated Settlement Agreements*, TDM 2015
- *Evaluating the Advantages and Drawbacks of Emergency Arbitrators*, NY Law Journal March 2015
- *Arbitrator Decision Making: Unconscious Psychological Influences and What you can do About Them*, Revista Brasileira de Arbitragem, 2014
- *Ethics in International Arbitration*, in *Soft Law in International Arbitration*, (Juris Publ.) 2014
- *Can Counsel Ethics Beat Guerrilla Tactics?:* NY Dispute Resolution Lawyer, fall 2013
- *Med-Arb: An Argument for Favoring Ex Parte Communications*, World Arb. and Mediation Rev., 2013
- *The Debate: Unilateral Appointment of Arbitrators*, ABA Intern'l Law, Arbitration Committee, 2013
- *Capturing the Benefits of Arbitration for Cross Border Insolvency Disputes*, in *The Fordham Papers 2012*, editor Arthur W. Rovine, (Martinus Nijhoff Publisher), 2013
- *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 and the Special Challenges to its Utilization in Investor State Disputes*, Revista Brasileira de Arbitragem, 2011
- *The Energy Charter Treaty Can Foster Solutions to Global Warming*, in *Sustainable Development in International Investment Law*, ed. Andrew Newcombe (Kluwer Publisher) 2010