

Hong Kong International Arbitration Centre (HKIAC)



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Background

- Current: Full time arbitrator and mediator, Principal SussmanADR LLC and Distinguished ADR Practitioner in Residence at Fordham University School of Law.
- Former: Litigation Partner and Associate at White & Case, LLP; Litigation attorney representing clients and serving as an arbitrator and mediator in complex domestic and international 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** - over 100 arbitrations of business disputes as chair, sole and wing arbitrator under many institutional rules in administered and ad hoc proceedings; conducts the semi-annual 2 day arbitration training for new arbitrators for the American Arbitration Association (AAA) and provides arbitrator training sessions for others.
- **Mediation** – over 100 mediations as mediator for institutions, ad hoc and for the federal, state and bankruptcy courts in New York; certified as a mediator by the courts in New York and by the International Mediation Institute; provides mediation trainings for the American Arbitration Association and others.
- **Arbitration and Mediation Panel memberships:** – (AAA) American Arbitration Association, ICDR (International Centre for Dispute Resolution), CPR, Hong Kong, South China, Shanghai, Korea, Kuala Lumpur, Swiss, Vienna, Dubai, Kigali and British Columbia Arbitration Centres, 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 and LCIA.

Honors:

- Listed annually in Who's Who of International Commercial Arbitration and Mediation
- Rated One of the Ten Outstanding International Mediators by Who's Who Legal International Commercial Mediation, 2013
- Best Lawyer and Super Lawyers - listed annually for Arbitration and Mediation
- 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 delivery of defective goods, provision of deficient services, failure to pay, misrepresentations, fraud, commercial code issues, breach of warranties
- **Energy:** electricity production, pricing and distribution, energy intellectual property, electricity generation plant service contracts, energy service company (ESCOs) disputes, Petroleum Marketing Practices Act, renewable energy credits, hydraulic fracturing (fracking), oil spills,
- **Environmental:** environmental assessments, environmental cleanups, allocation of remediation costs, superfund/CERCLA, stormwater, sewer and infrastructure disputes, environmental attributes
- **Intellectual property:** licensing fees, R&D disputes, ownership disputes, trade secret
- **Corporate mergers, acquisitions and dissolutions:** breaches of reps and warranties, post-closing adjustments, earn-outs entitlement, post-sale competition by seller, asset valuation
- **Partnerships and Joint Ventures:** entitlement to payments and ownership, accounting, mismanagement and misappropriation, removal of general partner, breach of non-compete
- **Professionals:** accountant's liability, attorney malpractice, fee collections
- **Financial matters:** bank/broker/customer, tax, guarantees, hedge fund, private placements, private equity, carry, mortgage backed securities, structured products, secured transactions
- **Insurance:** Bermuda form, credit risk, property and casualty, builders risk, malpractice, transit, mold, stop loss, fidelity, health, title, workman's comp and employment practices
- **Franchises /dealerships:** terminations, failure to support, royalty payments, non-compete
- **Construction and Real Estate:** construction disputes, delay damages, developer/landlord and tenant disputes, breaches of contract for sale, sub-prime mortgages
- **Securities:** fraud, 10b-5, customer/broker/investment adviser, private placements,
- **Pharmaceuticals and Health Care:** product development, product delivery, licensing, royalties, distribution and marketing, therapeutic services, pharma company valuations
- **Aviation-**defective parts supply claims, ownership claims in intellectual property and aviation R&D corporation, real estate lease for crew layovers, sales commission for aircraft
- **Hospitality-** partnership disputes over development projects, many 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, Director, Vice-Chair

College of Commercial Arbitrators, Fellow, Director, Vice-President

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

- 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, April 2014
- Battle of the Fora*, American Bar Association, International Section, April 2014
- Use of Arbitration and Mediation for Energy Disputes*, Energy Bar Association April 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 Int'l Law 2012
- The Potential for Using Arbitration in Cross-Border Insolvency Disputes*, Fordham International Arbitration and Mediation Conference, London, 2012
- Mediation vs. Arbitration vs. Litigation*, session at Law, Justice and Development Week, World Bank, IFC, MIGA and ICSID, 2011
- Saving Time and Lowering Costs, What are the Options that can Really be Accomplished* International Bar Association/International Centre for Dispute Resolution, 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: Are Changes Needed?*, Institute for Transnational Law and the American Society of International Law, 2010

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

- Ethics in International Arbitration: Soft Law Guidance*, in *Soft Law in International Arbitration*, ed. Lawrence W. Newman and Michael J. Radine (Juris Publ.) 2014
- Arbitrator Decision Making: Unconscious Psychological Influences and What you can do About Them*, American Review of International Arbitration Winter 2013
- Can Counsel Ethics Beat Guerrilla Tactics?: Background and Impact of the New IBA Guidelines on Party Representation in International Arbitration*, NY Dispute Resolution Lawyer, fall 2013
- Med-Arb: An Argument for Favoring Ex Parte Communications in the Mediation Phase*, World Arbitration and Mediation Review, 2013
- The Debate: Unilateral Appointment of Arbitrators*, ABA Section of International Law, Arbitration Committee Newsletter, 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*, AAA's Dispute Resolution Journal, 2012
- Use of Dispositive Motions in Arbitration*, NY Dispute Resolution Lawyer, Spring 2011
- Time and Cost Solutions for Commercial Arbitration*, AAA's Dispute Resolution Journal, 2011
- A Multilateral Energy Sector Investment Treaty*: International Lawyer, 2011
- 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
- The Energy Charter Treaty Can Foster Solutions to Global Warming*, in *Sustainable Development in International Investment Law*, ed. Andrew Newcombe (Kluwer Publisher) 2010