

**Edna Sussman Esq.**  
**SussmanADR LLC**  
**10 East 40<sup>th</sup> Street**  
**Suite 3500**  
**New York, NY 10016**  
**Phone: 914-472-9406; 212-213-2173**  
**Fax: 914-472-8975**  
**E-mail: [esussman@sussmanADR.com](mailto:esussman@sussmanADR.com)**

**May 12, 2010**

<b>II. Profession</b>	<b>Jurisdiction</b>	<b>Date of Admission</b>
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Admitted to the bar, New York 1974; U. S. District Court Southern and Eastern Districts of New York; United States Court of Appeals, 2<sup>nd</sup> and 3<sup>rd</sup> Circuits; United States Supreme Court; Accredited Professional, Leadership in Energy and Environmental Design (LEED) United States Green Building Council.

**II. Professional Organizations and affiliations:**

Distinguished ADR Practitioner in Residence, Fordham University School of Law  
Board Member, American Arbitration Association, College of Commercial Arbitrators.  
American Bar Association (ABA)

- Co- Chair, Arbitration Committee, Dispute Resolution Section
- Co- Chair, Arbitration Committee, Section of International Law

New York State Bar Association

- Chair, Dispute Resolution Section
- Editor in Chief, NY Dispute Resolution Lawyer

New York City Bar Association

- Former Chair, Energy Committee

Energy Bar Association (EBA)

- Former Chair, Alternative Dispute Resolution Committee

**III. General Professional Experience**

I have practiced law for over 30 years, principally as a litigator. I started mediating in 1997 as a mediator for the Southern District of New York and now all of my time to serving as a mediator and arbitrator as the principal of SussmanADR LLC. I was formerly a litigation partner at White & Case and formerly of counsel to Hoguet Newman Regal & Kenney, LLP. Over the years I have represented clients and served as an arbitrator or mediator in a wide variety of complex commercial litigation arising out of contracts, securities, accounting, financing transactions, energy, environment, mergers/acquisitions, real estate, antitrust, bankruptcy, transnational litigation, banking issues, employment, dealership and franchise relationships.

#### **IV. Experience and Familiarity with Bankruptcy Law:**

I have counseled on bankruptcy issues in the context of sophisticated business transactions and represented unsecured and secured creditors in a broad variety of contexts, principally in Chapter 11 proceedings. I have also represented the trustee in bankruptcy in extensive proceedings to recover property fraudulently conveyed and enforce judgments. Cases I handled became important precedents in the areas of adequate protection and the recognition of foreign trustees in bankruptcy. In my work as a mediator bankruptcy and collection issues are often raised and discussed as part of the settlement process.

#### **V. Mediation Training:**

My first mediation training was sponsored by the United States District Court for the Southern District in 1997, Since then I have taken many mediation trainings including those sponsored by the United States Bankruptcy Court, New York State Supreme Court, Equal Employment Opportunity Commission, National Association of Securities Dealers and I attended numerous other mediation and negotiation conferences and programs sponsored by the ABA, the NY City Bar, CPR, and other organizations.

#### **VI. Mediation Experience:**

I have served as a mediator in over 80 matters involving a broad range of disputes. I have also served as an arbitrator in over 70 arbitrations serving as chair, panelist and sole arbitrator handled under AAA, UNCITRAL, ICDR, CPR and NASD/FINRA rules. I serve as a court certified mediator. Matters I handled have involved:

- **Commercial contracts:** broad range of commercial contract disputes
- **Corporate mergers, acquisitions and dissolutions:** breaches of representations and warranties, post-closing adjustments, post-sale competition, valuation of assets
- **Environmental and energy:** electricity disputes, environmental assessments and cleanups, oil spills, storm water management, line expansions, sewer issues, energy company disputes, CERCLA
- **Intellectual property:** licensing royalties, development fees, Copyright, domain name, use of IP in breach of sale agreement
- **Professionals:** accountant's liability, attorney malpractice, fee collections
- **Insurance:** disputes relating to credit, property and casualty, builders risk, mold, transit, stop loss, health and workman's compensation insurance
- **Real Estate and Construction:** construction disputes; sub-prime mortgages, developer/landlord and tenant disputes, breaches of contract for sale of property
- **Financial matters:** claims relating to brokers, hedge funds, tax issues, bank/customer obligations, defaults on note payments under indentures, forgeries
- **Partnership:** disputes as to partnership distributions, breach of non-compete clause
- **Franchises and dealership:** terminations, claims against franchisor for failure to provide contracted support, failure to pay royalties, opening competing business
- **Employment:** claims relating to age, sex, ethnic and race discrimination, sexual harassment, retaliation, hostile work environment, FMLA and hourly wages

## **VII. Area of Expertise:**

My expertise includes bankruptcy matters, general commercial law (contracts and business torts), financial matters, securities, franchises, insurance, employment, mergers & acquisitions, energy and environment, and professional liability.

## **VIII. General Pertinent Business or Legal Experience:**

I am active as an author and speaker on alternative dispute resolution and energy and environment matters for many bar associations, law schools and business groups.

Selected recent articles include:

*Arbitration Agreements and Bankruptcy: Which Law Trumps When?* NYS Bar Association's Business Law Journal Fall 2009

*Why Arbitrate: The Benefits and Savings*, NYS Bar Association Journal, Oct. 2009

*The New York Convention Through A Mediation Prism*, ABA Dispute Resolution, Summer 2009

*The Arbitration Fairness Act: Unintended Consequences Threaten U.S. Business*, 18 American Review of International Arbitration 455 (2009)

*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

*Developing an Effective Med-arb/Arb-med Process*, New York Dispute Resolution Lawyer, Spring 2009

*The Energy Charter Treaty's Investor Protection Provisions*, ILSA Journal of Int'l & Comparative Law, May 2008

*Reshaping Municipal and County Laws to Foster Green Building, Energy Efficiency and Renewable Energy*, N. Y. U. Environmental Law Journal, January 2008

*Through Mediation, Adversaries Learned the Facts and Settled*, Construction News, March 2007

*RGGI: New York Addresses Climate Change with the First Mandatory Greenhouse Gas Program*, New York State Bar Association Journal, May 2006

*Survey of U.S. Case Law on Enforcing Mediation Settlement Agreements*, International Bar Association's Mediation Law Committee Newsletter, April 2006

## **IX. Other Pertinent Information**

I frequently handle cases under their auspices of dispute resolution institutions and serve on the panels of several of the leading institutions including:

*U.S. Bankruptcy Courts* (S.D.N.Y., E.D.N.Y.), mediation panels

*U.S. District Courts* (S.D.N.Y, E.D.N.Y)

*New York State Supreme Court*, Commercial Division, New York and Westchester Counties, mediation panels

*American Arbitration Association (AAA) and International Centre for Dispute Resolution (ICDR)*, large complex case, commercial, environmental, energy and international arbitration and mediation panels

*International Institute for Conflict Prevention and Resolution (CPR)*, commercial, energy oil & gas, international, franchise, arbitration and mediation panels

*FINRA (formerly NASD and NYSE)*, arbitration & mediation panels

## **X. Fee Structure**

My hourly rate is \$400 per hour or flat fee to be arranged on a case by case basis. No charges for expenses for matters conducted within 30 miles of NYC.