

SUSAN S. SOUSSAN

MEDIATION · ARBITRATION

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SUSAN S. SOUSSAN
FORMER TEXAS DISTRICT JUDGE

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PROFESSIONAL EXPERIENCE

Full time Attorney-Mediator/Arbitrator since 1995. State Civil District Judge, Harris County, Houston, Texas -1994. Partner, Greenberg Peden Siegmyer Oshman & Soussan, 1977-94; Commercial litigator for 17 years, primarily working with contracts, real estate, banking, partnership disputes, and general business.

DISPUTE RESOLUTION EXPERIENCE AND TRAINING

MEDIATION

6000+ pre and post litigation matters involving all facets of civil, state, federal, domestic and international, litigation since 1990, specializing in complex, high-profile cases (e.g. *Exxon Valdez v. Lloyds of London, et al.*; *Hayes v. Robert Courtney, Eli Lilly and Co. and Bristol-Myers Squibb Co.*).

More specifically, mass torts and class action disputes (3,000+ class members) involving millions of dollars in controversy and in final settlement cases, including medical devices, pharmaceutical, toxic tort exposure, oil & gas refinery plant explosions, automobile roll-overs, tire failures, asbestos & silicosis).

Labor and Employment Law: 1000+ cases involving Title VII, 1983, ADA, FLSA, non-compete, age, ERISA, TCHRA - settlements in the 5, 6, 7 figure dollar range.

IP: 300+ cases involving patent infringement, trade secret, copyright involving multi-million and multi-billion dollar demands and settlements particularly in fields of technology (hardware & software disputes among all major computer related companies) and energy (tools, pipelines).

Oil & Gas/Energy: 500+ cases multi-billion and million dollar disputes involving all facets of upstream, midstream & downstream issues, interpretation of Joint Operating Agreements with Areas of Mutual Interest, exploration, gathering, production and marketing of LNG agreements among all world-wide oil and gas/energy companies

Insurance law: 300+ cases involving contract interpretation & bad faith claims; partnership disputes, business separation, real estate, probate, medical & legal malpractice, securities, tax fraud, construction, breach of contract, defamation and personal injury (personal injury matters - 1000+ as a result of mass tort litigation). All demands & settlements in these cases have been in the 8, 7, 6, 5 and 4 figure dollar range.

ARBITRATION

Arbitrator (sole, panel member or Chair) in 200+ cases. Representative sample:

- Class Action (3,400 members) brought by former clients of law firm asserting breach of contingent fee agreement and breach of fiduciary duty. Three-member panel. Award issued.
- Multi-billion dollar contract interpretation including intellectual property issues - medical device. Fortune 500 Companies. Three-member panel. Award issued after two week hearing.
- Securities Fraud, Louisiana Blue Sky Violation, Breach of Merger Agreement. Three member panel. Award issued after one week hearing.
- Employment Contract Interpretation. Former owner and president of new company terminated for cause four months into a three year employment contract. Sole Arbitrator. Award Issued.
- Breach of Buy/Sell Agreement involving purchase of trust company by bank/Counterclaim by Seller; Three member panel. Two week hearing. Award issued.
- Theft of trade secrets and breach of contract involving computer software and hardware of car dealer management system; millions of dollars at issue. Three member panel. Award issued after three week hearing.
- Theft of trade secrets/ patent infringement involving products used to measure sulphur content in petroleum based gases. Multi-million dollar claimed value. Three member panel. Award issued.
- Intentional infliction of emotional harm alleged by employee. Sole arbitrator. Award issued.
- Fraud in the Sale of Real Estate: Multi-million dollar claim for failure to disclose existence of potential toxic waste brought by homeowners against major home builder. EPA issues. Sole arbitrator. Award issued.
- Breach of Employment Contract by former employee of major accounting firm. Three member panel. Award issued.
- Breach of various computer hardware and software dealer management agreements/counterclaim DTPA. Three member panels. Awards issued.
- Labor and Employment cases (Title VII). Three and one person panels. Awards issued.
- Product liability involving particular part used in truck. Chair of three member panel. Claim amount in excess of \$100 million. Award issued after one week hearing.
- Insurance Coverage. Sole arbitrator. Parties: major oil company and major insurance company. Award Issued. Eight figure demand.
- Construction defect. Sole Arbitrator. Award issued.

Currently serves on the following panels:

AAA Commercial Panel

AAA Large Complex Cases Panel

AAA Real Estate Panel

International Institute for Conflict Prevention and Resolution (CPR) Panel of Neutrals

CPR Employment Panel (Southwest Region)

CPR Energy Oil & Gas Panel (Southwest Region)
CPR Judicial Panel
CPR US-China Business Mediation Panel

UMPIRE

Umpire in Ike Hurricane appraisal disputes involving commercial and residential properties.

ALTERNATIVE DISPUTE RESOLUTION TRAINING

AAA University- Chairing An Arbitration Panel: Managing Procedures, 2010
AAA, Efficient ADR-Saving the Client's Money Through Technology and Common Sense, 2010
AAA, ADR Strategies That Save Time and Money, 2010
AAA Arbitration Fundamentals and Best Practices for New Arbitrators, 2009
College of Commercial Arbitrators Annual Meeting, 2008, 2007, 2006
International Academy of Mediators Fall Meeting, 2008, 2006
International Academy of Mediators Spring Conference, 2006, 2003
Institute for Transnational Arbitration of the Center for American and International Law Annual Workshop, Arbitral Advocacy, 2004
Association of Attorney-Mediators, Inc., Mediation Training, multiple years.

PROFESSIONAL ASSOCIATIONS AND HONORS

STATE BAR OF TEXAS-COUNCIL MEMBER: ALTERNATIVE DISPUTE RESOLUTION SECTION 2011-2014

TEXAS MEDIATOR CREDENTIALING ASSOCIATION- CREDENTIALLED DISTINGUISHED

AMERICAN ARBITRATION ASSOCIATION

COLLEGE OF COMMERCIAL ARBITRATORS

CPR INTERNATIONAL INSTITUTE FOR CONFLICT PREVENTION AND RESOLUTION

PANEL OF NEUTRALS

CPR EMPLOYMENT PANEL-SOUTHWEST REGION

CPR ENERGY OIL & GAS PANEL-SOUTHWEST REGION

CPR ENVIRONMENTAL PANEL

CPR US-CHINA BUSINESS MEDIATION PANEL

INTERNATIONAL ACADEMY OF MEDIATORS (IAM)

ASSOCIATION OF ATTORNEY MEDIATORS, INC.

ASSOCIATION OF CONFLICT RESOLUTION

AMERICAN, TEXAS AND HOUSTON BAR ASSOCIATIONS, (ADR AND LITIGATION SECTIONS)

FELLOW: AMERICAN BAR FOUNDATION

TEXAS BAR FOUNDATION

HOUSTON BAR FOUNDATION

INTERNATIONAL ACADEMY OF MEDIATORS (IAM)

COLLEGE OF COMMERCIAL ARBITRATORS

AMERICAN COLLEGE OF CIVIL TRIAL MEDIATORS 1997-2000

Texas Super Lawyer (Mediation and Arbitration) – Multiple Years

Houston's Top Lawyers – Multiple Years

H Texas Magazine Houston's Top Women in Business - 2010

College of the State Bar of Texas, Advisory Board of the Southwestern Legal Foundation
Institute for Transnational Arbitration, A.A. White Dispute Resolution Institute; Board of Directors,
1994-95, Center for Legal Responsibility; Faculty Advisor- 1994-95, HBA President's Award for

Outstanding Service as Chair of the ADR Committee, Recipient of Leadership Houston's Leadership in Action Award, Youth Division for HBA-ADR's Peer Mediation Pilot Project in HISD.

PROFESSIONAL LICENSES

Admitted to the Bar, Texas, 1977
U.S. District Court, Southern District of Texas, 1979
U.S. Court of Appeals, Fifth Circuit, 1980
U.S. Supreme Court, 1980

EDUCATION

University of Texas, B.A. with Honors, 1974
University of Houston, J.D. 1977, Order of the Barons

PUBLICATIONS AND SPEAKING ENGAGEMENTS – (Partial History)

Speaker, "Managing Your First Arbitration," Sponsored by College of Commercial Arbitrators and American Arbitration Association, University of Houston Law Center, 11/2011; Panelist, "Ethical Considerations- ADR," Houston Bar Association- ADR Section, 2/2011; Panelist, "Women: The New Glass Ceiling," 2/2011; Speaker, "2010 Arbitration Update," Annual Meeting- College of Commercial Arbitrators, 10/2010; Panelist, "Judges, Elected or Appointed- Which is Better?" American Inns of Court XV (Garland Walker Inn), 3/2009; Panelist, "Mediation: Working it all out," Texas Lawyer Roundtable Series, 12/2008; Panelist, "Arbitration: What Every Lawyer Needs to Know," Texas Lawyer Roundtable Series, 12/2008; Speaker, "Mediation Skills—Secrets and Pitfalls," Speaker Series, ConocoPhillips Legal Department, 2008; Speaker, "Energy and the Environment - Good Border Business, Energy Sector Dispute Resolution," XIV Border Energy Forum, San Diego, CA, 2007; Speaker, "Your Chance To Speak Up—The CPR Roundtable," CPR International Institute for Conflict Prevention and Resolution, Spring Meeting, New Orleans, 2004; Speaker, Annual Advanced Attorney Mediator Training, St. Louis, Missouri, 2003; Speaker, "Mediation in Civil Matters," Speaker Series ConocoPhillips, Legal Department, 2003; Speaker, American Bar Association, Mediation Advocacy Tort Trial & Insurance Practice, 2003; Faculty, Attorney-Mediators Institute, Speaker, The Mediators and Arbitrators, HBA, 9/01, Speaker, *Ethical Considerations of Mediation*, HBA CLE Seminar 11/01, Speaker, *Mediation of Employment Disputes: Strategy and Preparation Tips*- TELC Educational Conference and Spring Meeting, Austin, Texas, 1999, Speaker, *ADR-Avoiding and Resolving Pitfalls Particular to IP Cases*, Second Annual IP Law Conference for Women Corporate Counsel and IP Managers, 10/98, San Diego, California, Speaker, *Try to See It My Way: Mediation of Employment Disputes*, Advanced Employment Law Course, State Bar of Texas, 12/99 and 1/98, Speaker, *Mediating Insurance Disputes: What Not To Do*, Texas Insurance Law Symposium, South Texas College of Law, 9/97, Speaker, *Mediating the Complex Case & The Exxon Valdez Mediation*, Annual HBA ADR Section Seminar, 4/97, Speaker, *Mediation/Settlement Techniques* Advanced Medical Malpractice, Pharmaceutical / Medical Device Litigation Course, State Bar of Texas, Santa Fe, New Mexico, 3/97, Speaker, *ADR—When and How to Effectively Use*, Southwestern Bell Communications, Inc. Legal Conference, 2/97, Speaker, *ADR Overview: Making Mediation/ Arbitration Work for You*, HBA, 4/96, Speaker, *Mediation, A View from the Bench*, Texas Association of Mediators, 3/96.

FOREIGN LANGUAGE - Spanish