



AAA Mediation.org™

## Hon. Susan S. Soussan, Esq.

Houston, Texas

<b>Current Employer-Title</b>	Law Offices of Susan S. Soussan, P.C.
<b>Profession</b>	Judge, Attorney, Arbitrator, Mediator
<b>Work History</b>	Mediator/Arbitrator, 1990 – Present; Partner, Greenberg Peden Siegmyer Oshman & Soussan, 1983 – 1994; State Civil District Judge, Harris County Houston Texas, 1994.
<b>Experience</b>	<p>Commercial litigator for 17 years, primarily working with contracts, real estate, banking, partnership disputes, and general business.</p> <p>Mass torts and class action disputes involving millions of dollars in controversy and in final settlement (3000+) cases, including medical devices, pharmaceutical, toxic tort exposure, oil &amp; gas refinery plant explosions, automobile rollovers, tire failures, asbestos &amp; silicosis;</p> <p>Labor and Employment Law (1000+) cases have included Title VII, 1983, ADA, FLSA - individual and 216(b) Collective Action and wage and hour class action claims, non-compete, age, ERISA, TCHRA - settlements in the 5, 6, 7 figure dollar range;</p> <p>IP (300+) cases have included patent infringement, trade secret, copyright involving multi-million and multi-billion dollar demands and settlements particularly in fields of technology (hardware &amp; software disputes among all major computer related companies) and energy (tools, pipelines);</p> <p>Energy (500+) multi-billion and million dollar disputes involving all facets of upstream, midstream &amp; downstream issues, interpretation of indemnity provisions in a Stock Purchase Agreement between two major Oil and Gas companies, 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;</p> <p>Insurance law (300+) cases have included contract interpretation &amp; bad faith claims; partnership disputes, business separation, real estate, probate, medical &amp; 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 &amp; settlements in these cases have been in the 8, 7, 6, 5 and 4 figure dollar range.</p>
<b>Mediator Experience</b>	<p>Over 8000 cases mediated during 33 years as a mediator.</p> <p><b>MULTI-PARTY DISPUTE RESOLUTION EXPERIENCE</b></p> <p>Employment - plaintiff sues two or more employers and or individual; Personal Injury - multiple plaintiffs sue owner, general contractor and subcontractor; Commercial - plaintiff sues different partnership entities and multiple individuals; Product Liability - plaintiff sues manufacturer and distributor; Insurance - plaintiff sues broker and underwriter; Construction - plaintiff sues architect, developer, owner and general contractor.</p> <p><b>BUSINESS</b></p>

- Exxon Valdez - \$3 billion claim by Exxon against its insurer, Lloyd's of London, for breach of insurance contract and bad faith for failure to pay claims made as a result of the Valdez oil spill. Total settlement: \$780 million.
- \$105 million verdict for breach of contract and breach of fiduciary duty regarding buy-back of minority shareholder interest.
- Three-day mediation of multi-million dollar contract dispute between a Canadian oil and gas producer and CNOCC, Ltd. regarding an Indonesian Liquefied Natural Gas project.
- Multi-day mediation of claims by hospital against third-party insurer for underpayment of claims.

#### INSURANCE

- Exxon Valdez - \$3 billion claim by Exxon against its insurer, Lloyd's of London, for breach of insurance contract and bad faith for failure to pay claims made as a result of the Valdez oil spill. Total settlement: \$780 million.

#### INTELLECTUAL PROPERTY

- \$100 million+ settlement of patent infringement and theft of trade secret dispute between two major worldwide IP technology companies.
- Several patent infringement claims pending in Silicon Valley and in the U.S. District Court for the Eastern District of Texas.
- Multi-million dollar claim by purchaser of particular computer chip patent against every major world-wide technology company. Mediation took place over several months.

#### OIL AND GAS/ENERGY

- Three-day mediation of multi-million dollar contract dispute between a Canadian oil and gas producer and CNOCC, Ltd. regarding an Indonesian Liquefied Natural Gas project.
- Member of CPR's National Energy, Oil & Gas Panel of Distinguished Neutrals.

#### PHARMACEUTICAL

- 1,000+ claims against three major drug companies by women claiming their breast implants were defective and caused various diseases.
- Hundreds of disputes by Plaintiffs claiming that particular pharmaceuticals made them ill or caused death, including: Aceutane, Baycol, Fen-Phen, Hormone Replacement Therapy, Rezulin, PPA, Vioxx.

#### REFINERY PLANT EXPLOSIONS

- Mediated the majority of injury and death cases resulting from refinery plant explosions at Phillips Petroleum, BP Products of North America, Inc. and other refineries in and around Houston, Texas. Total settlements involved hundreds of millions of dollars.

[See also Representative Issues Handled as a Mediator].

#### MEDIATION REFERENCES

Nick Nichols, nnichols@abrahamwatkins.com, (713) 222-7211; Joe Ahmad, joeahmad@azalaw.com, (713) 655-1101; Chris Reynolds, creynolds@reynoldsfrizzell.com, (713) 485-7200; Jean Frizzell, jfrizzell@reynoldsfrizzell.com, (713) 485-7200; John Anaipakos, john.anaipakos@bakerbotts.com, 713-229-1234; Todd Slobin, tslobin@eeoc.net, (713) 621-2277; Alistair Dawson, adawson@beckredde.com, (713) 951-6225; Mark Oberti, mark@osattorneys.com, (713) 401-3556; Ed Sullivan, ed@osattorneys.com, (713) 401-3556; Shauna Clark, shauna.clark@nortonrosefulbright.com, (713) 651-5151.

### **Representative Issues Handled as a Mediator**

#### LABOR AND EMPLOYMENT

- Long-term disability under ERISA plans.
- 1000+ cases involving race, religious preference, sex and age discrimination, hostile work environment and/or retaliatory claims in the workplace by terminated employees.
- 50+ Fair Labor Standard Act cases involving over-time pay
- Fair Labor Standard Act class action claims against employer.

#### ACCOUNTING

- Several multi-million dollar malpractice claims against major accounting firm involving tax shelters.

#### BUSINESS

- Contract disputes between major oil and gas companies involving Crude Oil Buy/Sell Agreements, Joint Operating Agreements, Areas of Mutual Interest, Royalty Payments, Theft of Seismic Data, Gas Processing Agreement, Natural Gas Processing Plants and Natural Gas Pipelines.

#### CLASS ACTIONS

- FLSA claims against employer.
- Racial discrimination cases against employer.
- Claims against electricity provider for alleged overcharges.

#### CONSTRUCTION

- 100+ homeowners sued 10 defendants for construction defect as a result of the use of EIFES.
- Multiple construction cases involving claims by and against developers, owners, architects, engineers, general contractors and subcontractors claiming breach of contract, delay damages, cost overruns and/or design defects.

#### INSURANCE

- Several cases against life insurance companies involving "vanishing premiums."
- 500+ cases in which coverage was one of the focus issues.

#### INTELLECTUAL PROPERTY

- 50+ trade secret cases.
- Multi-million dollar settlement of patent infringement dispute involving oilfield downhole test tools.

#### OIL AND GAS/ENERGY

- Refinery and oil rig construction contract disputes.
- Disputes involving claims of defective oilfield downhole tools.
- Contract disputes between major oil and gas companies involving Crude Oil Buy/Sell Agreements, Joint Operating Agreements, Areas of Mutual Interest, Royalty Payments, Theft of Seismic Data, Gas Processing Agreement, Natural Gas Processing Plants and Natural Gas Pipelines.
- Property damage, personal injury and death cases resulting from various pipeline explosions.
- Take or Pay cases.

#### PERSONAL INJURY/MASS TORT

- 2,000+ personal injury cases arising from on-the-job injuries, all types of motor vehicle accidents, defective medical devices, pharmaceuticals and civil assault.
- Multiple mass tort cases: SUV Rollover, Tire Manufacturer, Breast Implants, Various Pharmaceuticals, Asbestos, Silicosis.

#### PHARMACEUTICAL

- Claims of defective medical devices

#### SECURITIES

- Securities fraud cases brought by investors against major brokerage companies.
- Claims by investors against broker/dealer.

### **Mediator Style & Process Preferences**

The confidential mediation process, to be successful, must be crafted to suit the parties' needs. In other words, there should not be one "set" way to conduct a mediation. The traditional method, starting with a joint session and then breaking out into individual caucuses with the mediator going back and forth, may be all well and good. But the mediator must determine if another way is more suited - no joint session, letting the business people talk directly to one another and/or having a joint session later in the day.

It is critical for the mediator to be thoroughly prepared before the mediation. Therefore, counsel for the parties should submit a mediation memorandum and any other critical materials to the mediator well in advance of the mediation. If necessary, the mediator should take it upon herself to call counsel or meet with counsel and the respective parties in advance of the mediation.

Although decisions as to resolution belong to counsel and his/her client, the mediator should be an active participant in the process. The mediator should share thoughts and opinions when able to do so as opposed to being a mere facilitator. A mediator should also spend time understanding the legal issues involved in order to opine intelligently.

It is important for a mediator to listen carefully to a party in private caucus to determine the "real" issues behind the conflict. Being empathetic, direct but non-confrontational and respectful are useful tools for the mediator in building rapport with the parties. Having a sense of humor when appropriate is also important. Above all, explaining the risk (financial and emotional) involved in not settling a case is imperative. Confidentiality of the process should be continually emphasized throughout the day.

I describe my style as pro-active (sharing my thoughts and opinions at the appropriate time), hard-working, inquisitive (in an effort to drill down and find the "real" issues at hand), challenging and serious, yet never without a sense of humor and compassion. I listen intently to help the parties weave a resolution best suited for each of them which often would not have been a remedy available at the courthouse. I never give up.

## **Education**

University of Houston, (Juris Doctorate, Order of the Barons-1977); University of Texas, (B.A., with Honors-1974).

## **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).

## **Professional Associations**

Texas Mediator Credentialing Association- Credentialed distinguished; Texas Academy of Distinguished Neutrals; American Arbitration Association; College of Commercial Arbitrators, Fellow; Institute for Energy Law of The Center for American & International Law; CPR International Institute for Conflict Prevention and Resolution; CPR panel of neutrals; CPR employment panel-southwest region; CPR energy oil & gas panel-southwest region; CPR environmental panel; International Academy of Mediators (IAM), Fellow; Association of Attorney Mediators, Inc; Association of Conflict Resolution; American, Texas and Houston Bar Associations, (ADR and Litigation Sections); The Center for American and International Law (CAIL); American Bar Foundation, Fellow; Texas Bar Foundation, Fellow; Houston Bar Foundation, Fellow; American College of Civil Trial Mediators 1997 – 2000, Fellow; 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 – 1995; Center for Legal Responsibility, Faculty Advisor, 1994 – 1995.

## **Recent Publications & Speaking Engagements**

### **SPEAKING ENGAGEMENTS:**

2019-Speaker, Texas Women Rainmakers

2018-Speaker, "The Preliminary Conference and Setting the Stage" and "The Award and Post-Award Issues," ABA, Miami, Florida (May 2018)

2015-Speaker, "Arbitration of Personal Injury Cases," Houston Trial Lawyers Association

2014-Speaker, "Hearing and Managing the Evidence," AAA, 2014

2013-Faculty, Eighth Annual Arbitration Training Institute – A Comprehensive Training in Commercial Arbitration, ABA Section of Dispute Resolution, 2013 & 2014

2013-Speaker, "Managing a Successful Arbitration," College of Commercial Arbitrators and American Arbitration Association, New Orleans

2011-Speaker, "Managing Your First Arbitration," College of Commercial Arbitrators and American Arbitration Association, University of Houston Law Center

2011-Panelist, "Ethical Considerations - ADR," HBA, ADR Section

2010-Panelist, "Women: The New Glass Ceiling"

2010-Speaker, "2010 Arbitration Update," College of Commercial Arbitrators

2009-Panelist, "Judges, Elected or Appointed - Which is Better?" American Inns of Court XV (Garland Walker Inn)

2008-Panelist, "Mediation: Working it All Out," Texas Lawyer Roundtable Series

2008-Panelist, "Arbitration: What Every Lawyer Needs to Know," Texas Lawyer Roundtable Series

2008-Speaker, "Mediation Skills - Secrets and Pitfalls," Speaker Series ConocoPhillips Legal Department

2007-Speaker, "Energy and the Environment - Good Border Business, Energy Sector Dispute Resolution," XIV Border Energy Forum, San Diego, CA

2004-Speaker, "Your Chance to Speak Up - The CPR Roundtable," CPR International Institute for Conflict Prevention and Resolution, Spring Meeting, New Orleans

2003-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,

2001-Faculty, Attorney - Mediators Institute, Speaker, The Mediators and Arbitrators, HBA,  
 2001-Speaker, "Ethical Considerations of Mediation," HBA  
 1999-Speaker, "Mediation of Employment Disputes: Strategy and Preparation Tips," TELC  
 Educational Conference and Spring Meeting, Austin, Texas  
 1998-Speaker, "ADR: Avoiding and Resolving Pitfalls Particular to IP Cases," IP Law Conference  
 for Women Corporate Counsel and IP Managers, San Diego, California  
 1999-Speaker, "Try to See It My Way: Mediation of Employment Disputes," Advanced  
 Employment Law Course, State Bar of Texas, 1999 and 1998  
 1997-Speaker, "Mediating Insurance Disputes: What Not to Do," Texas Insurance Law Symposium,  
 South Texas College of Law  
 1997-Speaker, "Mediating the Complex Case & The Exxon Valdez Mediation," Annual HBA ADR  
 Section Seminar  
 1997-Speaker, "Mediation/Settlement Techniques," Advanced Medical Malpractice,  
 Pharmaceutical/Medical Device Litigation Course, State Bar of Texas, Santa Fe, New Mexico  
 1997-Speaker, "ADR: When and How to Effectively Use," Southwestern Bell Communications,  
 Inc. Legal Conference  
 1996-Speaker, "ADR Overview: Making Mediation/Arbitration Work for You," HBA  
 1996-Speaker, "Mediation, A View from the Bench," Texas Association of Mediators.

<b>Mediation Rate</b>	\$625 Per Hour
<b>Languages</b>	English, Spanish
<b>Citizenship</b>	United States of America
<b>Locale</b>	Houston, TX

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.