

STEVENS & LEE



Suzanne M. McSorley

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Sue concentrates her practice in complex commercial litigation and dispute resolution, counseling clients in the pharmaceutical, manufacturing, construction, insurance and health care industries, with a particular emphasis on construction matters. In addition, she has extensive experience drafting and negotiating contracts and has years of experience as a neutral as a mediator or an arbitrator. Sue also has represented lawyers on ethics-related issues for more than 20 years. This has included providing advice regarding attorney ethics issues to those seeking to provide non-traditional funding of and for litigated matters.

She has represented owners (hospitals, pharmaceutical manufacturers, research universities, real estate developers and homeowners), contractors and suppliers in litigation and other dispute resolution proceedings and processes in connection with every type of construction-related claim including defect claims, liens, and delay and interference claims.

Sue also devotes a substantial part of her practice to representing parties, especially owners, in negotiating and drafting agreements of all types relating to construction projects. She is familiar with the Consensus DOCS and the form agreements published by the AIA and the EJCDC and has provided many clients (owners and contractors) with advice concerning modification of form agreements to satisfy the client's particular needs.

In addition, Sue has significant experience preparing project-specific agreements. She has assisted multiple owner clients (including hospital systems, pharmaceutical companies and regional banks) in developing master agreements with preferred construction and design professionals for design, construction and design build services. She also has substantial experience negotiating and drafting project-specific manuscript agreements for the design and construction of many types of projects including pharmaceutical manufacturing facilities, hospitals, research laboratories, educational facilities and warehousing and distributions facilities, and for the

Practices

Litigation

Litigation Finance and
Alternative Funding

Industries

Higher Education

Education

Columbia Law School,
J.D., Harlan Fiske Stone
Scholar, 1979

Princeton University,
Woodrow Wilson School
of Public and International
Affairs, A.B., *cum laude*,
1979

Bar Admissions

New Jersey

New York

Pennsylvania

procurement of equipment and manufactured modules of such facilities.

Since 1997, Sue has served as a mediation neutral in assisting parties in hundreds of matters to resolve disputes outside of the litigation process; she is also an arbitrator on the commercial and construction industry panels of arbitrators maintained by the American Arbitration Association. She has received certificates from the National Institute for Trial Advocacy and the Center for Mediation in Law. She is also a charter member of the National Academy of Distinguished Neutrals, an invitation-only professional association for mediators and arbitrators who are well established as trusted neutrals in the legal community. She was named 2005 “ADR Practitioner of the Year” by the New Jersey State Bar Association for her contributions to advance the cause of mediation and other forms of alternative dispute resolution in New Jersey. As published in *New Jersey Monthly* magazine, Sue has been recognized as a New Jersey Super Lawyer by being selected by her peers as among the top 5 percent of lawyers in the state.

Finally, Sue has represented and counseled attorneys in connection with legal ethics questions and proceedings. She has served on both the New Jersey Supreme Court Ethics Committee (District VII) and on the New Jersey Supreme Court Fee Arbitration Committee (District VII).

Sue started her career as a law clerk to the Honorable Warren W. Eginton of the U.S. District Court for the District of Connecticut.

Court Admissions

- U.S. District Court for the District of New Jersey
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. Court of Appeals for the Third Circuit

Memberships/Affiliations

- New Jersey Supreme Court Committee on Complementary Dispute Resolution, 2002-2012
- New Jersey Supreme Court Advisory Committee on Mediator Standards, 2006-2012
- American Bar Association Forum Committee on the Construction Industry, Member, 1992-Present; Division 12 (Owners and Lenders) Steering Committee, 2009-Present, Chair, 2017-Present
- American Bar Association, Member, Litigation and Dispute Resolution sections,

1980-Present

- New Jersey State Bar Association, Dispute Resolution Section, Director, 2013-2017; Chair, 2001-2002; Chair-Elect, 2000-2001; Secretary, 1998-2000; Director, 1997-2003; Litigation and Construction Law Sections
- Marie L. Garibaldi American Inn of Court for Alternate Dispute Resolution, President and Immediate Past President, 2010-2012, Executive Committee, 2012-Present
- National Academy of Distinguished Neutrals, 2013-Present
- New Jersey Association of Professional Mediators
- Mercer County Bar Association, Former Trustee
- Mercer County Bar Foundation, Past Trustee and President
- Supreme Court of New Jersey, District VII Fee Arbitration Committee, 1999-2003
- Supreme Court of New Jersey, District VII Ethics Committee, 1991-1994
- Columbia Law School Alumni Association
- Columbia Law School Association of New Jersey, Trustee and Treasurer, 1996-1999; Vice President
- Princeton Internships in Civic Service, Board Member, 2009-Present

Selected Publications

- "Take Full Advantage of the Opportunity to Mediate: Prepare; Don't Just Show Up." *Under Construction, the Newsletter of the American Bar Association Forum on the Construction Industry*, Vol. 16, No. 2. September 2014.
- Construction Defects. Editor with Roland Nikles, Stephen Reisman and Richard Tyler. (ABA Publishing, 2012, 350 pp.)
- "A Practitioner's Guide to Extra-Contractual Remedies for 'Private' Construction Projects." *New Jersey Institute for Continuing Legal Education*, 2010 (30 pp.)
- "Antitrust High Stakes: Companies That Don't Have a Compliance Program Risk Paying the Price." Co-author. *General Counsel Mid-Atlantic*, June 2005.
- "Antitrust Compliance for the Masses: Criminal & Civil Exposure is Not Reserved for Big Companies." Co-author. *General Counsel Mid-Atlantic*, June 2005.
- "Exemptions and Immunities and the Robinson-Patman Act." Co-author. *American Bar Association Section of Antitrust Law Robinson-Patman Act Newsletter*, Spring 2005.

Selected Speaking Engagements

- "Mediator Ethics," Speaker, Practicing Law Institute 2016 Building Better Construction Contracts Program, New York City, NY, December 16, 2016
- "Advanced Bankruptcy Mediation Training," Speaker and Trainer, New Jersey

Institute for Continuing Legal Education, New Brunswick, NJ, November 30, 2016

- Program on enforcing warranties in the context of construction projects, Annual Meeting of the American Bar Association Forum on Construction Law, Boca Raton, FL, April 16-18, 2015
- “Resolving Construction Disputes – the New Alternatives,” Speaker, New Jersey Institute for Continuing Legal Education, New Brunswick, NJ, February 28, 2015
- “Sticks & Bricks,” Program Co-Chair, American Bar Association Forum Committee on Construction Law, February 27, 2015
- Basic Mediation Training for Bankruptcy Lawyers, Trainer, New Jersey Institute for Continuing Legal Education, New Brunswick, NJ, May 19, May 22 and June 2, 2014
- “Construction Law 201: Insights for the Government Lawyer,” Speaker, American Bar Association Government and Public Sector Lawyers’ Division webcast, April 16, 2013
- “Construction Law for Government Attorneys and University Counsel,” Speaker, American Bar Association Forum on the Construction Industry 2012 Fall Meeting, Boston, MA, October 19, 2012
- “What to Do When the Project Stops,” Speaker, Webcast, American Bar Association Forum on the Construction Industry, October 4, 2012
- “Court-Annexed Mediation in New Jersey,” Speaker, American Bar Association, Dispute Resolution Section Annual Meeting, Washington, DC, April 19, 2012
- “Sticks & Bricks,” Site Coordinator, American Bar Association Forum Committee on the Construction Industry, November 11, 2011
- “Construction Law 101 for State and Local Government Attorneys,” Speaker, American Bar Association Forum on the Construction Industry, Telephone Conference, October 6, 2011
- “Advanced Mediation Training: Construction for Mediators,” Instructor, New Jersey Institute for Continuing Legal Education, October 11, 2010
- “How to Select a Mediator,” Speaker, New Jersey Corporate Counsel Association, Annual Meeting, Whippany, New Jersey, September 24, 2010
- “A Practitioner’s Guide to Extra-Contractual Remedies for ‘Private’ Construction Projects,” Speaker, New Jersey Institute for Continuing Legal Education, July 5, 2010
- “What to Do When the Work Stops: An Examination of the Change, Suspension and Termination Provisions of the A201-2007 in Connection with Project Slow-Down and De-Scoping,” Speaker, American Bar Association Forum on the Construction Industry, New Orleans, April 17, 2009
- “Basic Civil Mediation Training,” Instructor, New Jersey Institute for Continuing

Legal Education, New Brunswick, NJ, December 2008, June 2008, November 2003, October 2003, December 2001

- “OK, Everyone Join Hands: The Brave New World of Collaborative Documents and Tri-Party Agreements,” Panelist, American Bar Association Forum Committee on the Construction Industry, Chicago, IL, September 11, 2008
- “False Advertising Under the Lanham Act,” Speaker, Mercer County Bar Association, March 2005

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