

RICARDO J. CATA

Mediator and Arbitrator

(Fully Bilingual: Spanish)

Upchurch Watson White & Max Mediation Group

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Curriculum Vitae

Present Position

Upchurch Watson White & Max, Florida Supreme Court Certified Mediator, Circuit Civil; Arbitrator

Mediation practice focuses on these practice areas: construction and design defects; commercial, franchise, licensing, partnership and contractual disputes; ADA and FHA service animals disputes, cross-border disputes (in litigation or arbitration); e-discovery disputes; maritime and cruise passenger claims; aviation claims; general, hotel and resort, product, and premises liability; medical and dental malpractice; wrongful death and trademark infringement and intellectual property disputes. Have mediated 100% in the Spanish language. Certified to mediate civil cases by the U.S. District Court, Southern and Middle Districts of Florida. Member of the American Arbitration Association's Mediator Panel. Florida Supreme Court Approved Arbitrator. Member of the American Arbitration Association's Roster of Neutrals and of the ~~member~~ International Centre for Dispute Resolution's Cruise Line and Seafarer Arbitrator Panel (2015 – 2019). Member, CPR Panels of Distinguished Neutrals (2019 - 2016). Member, National Academy of Distinguished Neutrals (NADN). Centre for Effective Dispute Resolution (CEDR) Accredited Mediator. Have served as arbitrator in AAA commercial panels.

Legal Experience

Wilson Elser, Regional Managing Partner, Miami, Florida (2007-2013) Practice focused on the areas of general liability, premises liability, hotel and resort liability, product liability, and commercial litigation (including cross-border litigation). Represented resorts and tour operators from Mexico, Central America and the Caribbean in litigation in Florida's Circuit Courts and Federal Courts, obtaining several dismissals on *forum non conveniens* or lack of personal jurisdiction. Represented corporate clients, and manufacturers involving products manufactured in the U.S., Europe, Asia, Mexico, and South America and sold in the U.S., for design and/or manufacturing defects. Defended suits involving maritime claims, as well as breach of commercial contracts. Defended construction and/or negligent inspection claims, as well as insurance coverage disputes. Monitoring and supervising counsel for U.S. and multinational clients on lawsuits pending in Central and South America in various areas of civil liability.

Wilson Elser, Associate and Partner, Miami, Florida (1987-2007) Experience in cases involving design and construction defects, negligent inspection claims, and delay claims. Experience in litigating and trials of product liability cases (consumer and industrial products), involving defective design, defective manufacturing, and failure to warn claims. Represented U.S.-based multinational corporate client on suits asserting faulty design, construction, or inspection claims. Defended commercial suits, filed in Florida, from Latin America clients. Defended premises liability, premises security, and automobile accident cases (including wrongful death). Defended and tried

chiropractor malpractice cases.

Ricardo J. Cata, Attorney At Law, Miami, Florida (1983-1987) Commercial litigation, including franchise litigation and commercial real estate litigation and commercial real estate leasing. Residential real estate purchase and sale transactions.

Burger King Corporation, Senior Trial Counsel, Miami, Florida (1981-1982) Responsible for franchise-related terminations and franchise litigation, in federal court.

Fleming, O'Bryan and Fleming, Associate, Fort Lauderdale, Florida (1976-1981), litigated and defended medical malpractice, product liability, and general liability cases, including first and second chair at trials.

Certifications, Admissions, and Professional Development

A. Certifications:

Florida Supreme Court Certified Circuit Civil Mediator, since 2013

Certified Civil Mediator, U.S. District Court, Southern and Middle Districts of Florida, since 2016 and 2015, respectively

American Arbitration Association Roster of Neutrals and Mediator Panel, since 2015

ICDR Cruise Line and Seafarer Arbitration Panel (CL & SAP) (2016 - 2019)

CPR Panel of Distinguished Neutrals (2016 to 2019)

Centre for Effective Dispute Resolution (CEDR) Accredited Mediator, 2018

Florida Supreme Court Approved Arbitrator, since 2015

B. Admissions:

The Florida Bar, since 1976

U.S. District Court, Southern, Middle and Northern Districts of Florida, 1982, 1989, 1990

U.S. Court of Appeals, Eleventh Circuit, 1981

U.S. Supreme Court, 1979

Martindale Hubbell AV® Preeminent™ rated

C. Professional Development:

CPR & CEDR's 4-day Program, "Advanced Commercial Mediation Skills," February 2018

American Arbitration Association's "Best Practices for Counsel - Mediating and Arbitrating the Complex Commercial Case," 2017

American Arbitration Association's "Keeping It Real: How Arbitrators Handle Witness Credibility," 2017

American Arbitration Association’s “Addressing the Challenges of Demanding Arbitrations, Parts 1 and 2, the Pre-Hearing Landscape, The Hearing Phase, The Award, and Beyond”, 2017

“Mastering E-Discovery, Litigation Holds and Metadata: Winning in Discovery”, Rossdale CLE, 2016

ICDR’s International Symposia in Advanced Case Management Issues, 2016

American Arbitration Association’s “The Nuts and Bolts of an Arbitration Hearing: Procedures, Evidence and Practicalities”, 2016

American Arbitration Association’s “eDiscovery: Arbitration in a Digital World”, 2016

American Arbitration Association’s “Arbitration Awards: Safeguarding, Deciding & Writing Awards”, 2015

American Arbitration Association’s “Avoiding Ten Common Missteps Arbitrators Make”, 2015

American Arbitration Association’s “It’s Not Just ‘Litigation Lite’ – Making Rulings on Evidentiary Objections”, 2015

ICDR’s International Dispute Resolution in the Americas, 2015

CIArb’s “Introduction to International Arbitration”, 2015

American Arbitration Association’s “Arbitration Fundamentals and Best Practices for New AAA Arbitrators”, 2015

International Institute for Conflict Prevention and Resolution’s Annual Conference, 2014

American Bar Association Section of Dispute Resolution, Advanced Mediation & Advocacy Skills Institute, 2013

American Arbitration Association, “Essential Mediation Skills for the New Mediator”, 2013

International Institute for Conflict Prevention and Resolution, Advanced Commercial Mediation Training, 2013

Professional Memberships

American Bar Association, Section of Dispute Resolution and Section of International Law, up to 2017

Miami International Arbitration Society, 2008-2018

The Florida Bar, International Law and Alternative Dispute Resolution Sections

Chair, Mediation Committee, The Florida Bar International Law Section, 2015-2017

Member, Executive Council, The Florida Bar’s ADR Section, 2016-2018.

Teaching Experience

University of Miami School of Business, Adjunct Professor of Business Law, 1983

Education

University of Miami Graduate School of International Studies, M.A., 1991

St. John's University School of Law, J.D., 1975

Long Island University, B.A., 1972, *summa cum laude*

Presentations

“Mediating Franchise Disputes”, Coral Gables Bar Association’s CLE Luncheon, December 18, 2019, Coral Gables, FL

“Getting the Most out of Mediation”, presented to Miami-Dade chapter of the Florida Association for Women Lawyers, August 8, 2019, Miami, Florida

“Mediating Franchise Disputes”, presented to Desayuno Con CABA, May 30, 2019, Coral Gables, Florida

“Cross-Cultural Mediation”, panel speaker at the Broward County Bar Association, Fort Lauderdale, Florida, December 5, 2018.

“Mediation Advocacy – The Roles of Outside Counsel and In-House Counsel in Mediation”, ProLawCLE Webinar, December 10, 2018.

“The Roles of Trial Counsel and In-House Counsel in Mediation”, Florida Association of Women Lawyers, Miami, Florida, August 29, 2018; and at the Cuban American Bar Association’s Desayuno con CABA, Coral Gables, Florida, August 30, 2018; and at the Coral Gables Bar Association’s CLE Luncheon, Coral Gables, Florida, October 17, 2018.

“Increasing the Use of International Commercial Mediation in International Arbitration”, Africa Trade and Investment Global Summit (2018 ATIGS), Washington, D.C., June 25, 2018.

Presentation on “International Commercial Mediation”, Florida International University College of Law, Miami, Florida, November 13, 2017.

Panel Speaker, “Cross Cultural Mediation”, University of Florida’s Levin College of Law, Gainesville, Florida, October 20, 2017; and Florida State University College of Law, September 23, 2018.

Program Chair, “Escalation Clauses in Cross Border Dispute Resolution: Why Your Client Wants Mediation”, The Florida Bar, Boca Raton, Florida, June 22, 2017.

“Diversity in Mediation – Domestic and International Challenges”, Webinar presented by Upchurch, Watson, White & Max, September 21, 2016.

“Diversity in Mediation – Domestic and International Challenges,” Dispute Resolution Center’s Annual Conference, Orlando, Florida, August 12, 2016.

Moderator and Program Chair, “The Role of Mediation in Resolving U.S. Claims Against Cuba”, ABA International Section Spring Meeting, New York, April 13, 2016.

“PEDRO PAN AT 55: Lawyers and the Legal Profession, Looking Back and Looking Forward”, Panel Speaker, HistoryMiami’s 11th Judicial Circuit Historical Society, Miami, Florida, October 22, 2015.

“The Mediation Option In International Commercial Arbitration”, Coral Gables Bar Association Luncheon, Coral Gables, Florida, October 21, 2015.

“Enforcement of Mediation Settlement Agreements in International Mediation,” ICC Mexico, Mexico City, June 2015.

“Process, Practice and Technique of Mediation in the U.S.”, Diplomado de Seguros y Fianzas, Escuela Libre de Derecho, Mexico City, June 2015.

“International Commercial Mediation,” guest lecture, Prof. Manuel Gomez’s ADR Class, Florida International University College of Law, Miami, Florida, April 1, 2015.

“International Commercial Mediation”, panel discussion at The Florida Bar’s International Law Section’s Litigation, Arbitration & Business Transactions (ILAT) Conference, Miami, Florida, February 27, 2015.

“The Mediation Option in International Commercial Arbitration,” Webinar presented by Upchurch Watson White & Max, January 28, 2015.

“Stories Mediators Tell,” Panel Discussion Presented by the American Arbitration Association, Miami, October 16, 2014.

“Mediation in the U.S.,” Swiss Re Mexico’s Jornadas de Reaseguros, Mexico City, September 2013.

“Class Action Litigation in the United States”, AMEDESEF, Mexico City, January 2011.

“Hurricane Katrina: Lessons Learned”, Swiss Re Mexico’s Jornadas de Reaseguro, Mexico City, September 2010.

Products Liability in the United States, Hannover Re, Bogota, Colombia, April 2008.

Hotel and Product Liability in the United States, Munich Re, Acapulco, Mexico, November 2006.

Hotel Liability in the United States, Hannover Re, Cocoyoc, Mexico, September 2006.

Products Liability, Employers Reinsurance Corporation, Bogota, Colombia, April 1998.

Products Liability, Grupo Nacional Provincial, Merida, Mexico, September 1997.

Hotel Liability, Grupo Nacional Provincial, Cancun, Mexico, August 1997.

Directors’ and Officers’ Liability, Chubb de Colombia, Bogota, Colombia, May 1997.

Products Liability, Employers Reinsurance Corporation, Coral Gables, Florida, April 1997.

Products Liability, Manufacturing Executives, sponsored by Allianz Mexico, Monterrey, Mexico, March 1997.

Products Liability, Asociación Mexicana de Ingenieros en Seguros (AMIS), Mexico City, November 1996.

Emerging Markets Liability in South America, International Security Management Association, Newport Beach, California, January 1996.

Issues Relating to Directors' and Officers' Liability in International Banking, International Banking Operation's Association's Regulatory Compliance Conference, Naples, Florida, September 1995.

Recent Legal Trends on Insurance Claims, International Insurance Council's Round Table on Latin American Insurance Conditions, New York, March 1995.

International Dispute Settlement, American Conference Institute's International Business Transactions, Miami, March 1995.

"Latin American Insurance Market – New Opportunities for Insurers and Reinsurers", The Florida Bar's Eighth Doing Business in Latin America, Miami, March 1995.

Publications

"Update on the UNCITRAL Convention on Enforcement of International Settlement Agreements", *"News & Tips"*, The Florida Bar's ADR Section, Winter 2018.

"Update on the UNCITRAL Convention on Enforcement of International Settlement Agreements", International Law Section's Gazette, Florida Bar, November 29, 2017, at p. 12.

"Diversity in Mediation - Domestic and International Challenges", *"News & Tips"*, The Florida Bar's ADR Section, Fall 2016.

"Why Not Try Mediation to Resolve Three US Judgments Against Cuba?" *Daily Business Review*, May 25, 2016.

"International Commercial Mediation: A Supplement to International Arbitration", *International Law Quarterly*, The Florida Bar, Fall 2015.

"International Commercial Mediation: A Supplement to International Arbitration", published by the Florida Bar's International Law Section's Litigation, Arbitration & Business Transactions (ILAT) Conference, Miami, Florida, February 27, 2015.

"Inter-American Law Year-in-Review", *The International Lawyer*, American Bar Association, Summer 1997.

"Service of Process in Mexico: Let the Plaintiff Beware", *International Commercial Litigation*, London, September 1997.

"Seguros 'Claims-Made' en Estados Unidos: Fundamentos Judiciales", *Revista Ibero-Latinoamericana de Seguros*, Bogota, Colombia, December 1996.

"The Resurgence of Mexico and South America", *Mercado Asegurador*, Buenos Aires, Argentina, August 1996.

"Product and Environmental Claims from Latin America against Multinational Corporations on the Rise", *Latin American Law & Business Report*, July 31, 1996.

“Emerging Markets Liability in Latin America”, *Inter-American Law Review*, summer 1996.

Co-author, “A Practical Review of U.S. Product Liability Law”, *Business Mexico*, June, August, October 1995.

“Tort Reform in the U.S.A.”, *Mercado Asegurador*, Buenos Aires, August 1993.

“Venezuela – New Insurance and Reinsurance Law Enacted”, *Latin American Law & Business Report*, July 31, 1995.

“Opportunities for Insurers and Reinsurers”, *Latin American Law & Business Report*, March 31, 1995.

“Seguros ‘Claims-Made’ en los Estados Unidos: Fundamentos Judiciales”, *Mercado Asegurador*, Buenos Aires, November/December 1994.

“Mediation and Hurricane Andrew”, *Mercado Asegurador*, Buenos Aires, August 1993.

“Novedades Legales en el Reaseguro de Estados Unidos”, *Mercado Asegurador*, Buenos Aires, March/April 1993.

“Uniform Foreign Money Judgments Recognition Act – an Idea Whose Time Has Come in Florida?”, *The Florida Bar Journal*, June 1992.

“Procedural Aspects of Franchise Litigation”, *Manual of Franchise Law and Practice*, The Florida Bar, 1985.

Awards

Florida Bar’s Alternative Dispute Resolution Section’s Mediation Publication of the Year Award, June 2018.