

RICARDO J. CATA

Mediator/Attorney
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 Mediation practice focuses on these practice areas: construction defects, commercial disputes, cross-border disputes (in litigation or arbitration), design defects, general liability, hotel and resort liability, manufacturing defects, medical malpractice, premises liability, and wrongful death. Able to mediate in the Spanish language. Certified and authorized to mediate civil cases by the U.S. District Court, Middle District of Florida. Ricardo is also a member of the American Arbitration Association's Mediator Panel.

Legal Experience

Wilson Elser, Regional Managing Partner, Miami, Florida (2007-2013) Practice focused on the areas of general liability, premises liability, hotel and resorts' liability, product liability and commercial litigation. Particular experience representing hotels, resorts and tour operators from Mexico, Central America and the Caribbean in litigation filed in Florida's Circuit Courts and Federal Courts, obtaining several dismissals on the basis of *forum non conveniens* or lack of personal jurisdiction. Regularly handled lawsuits within the state, representing corporate clients and manufacturers, involving products manufactured in the U.S., Europe, Asia, Mexico and South America and sold in the U.S., in which allegations were made of design and/or manufacturing defects, as well as insufficient or inadequate warnings. 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, Partner, Miami, Florida (1992-2013) Experience in cases involving allegations of design and construction defects, negligent inspection claims, and delay claims. Significant experience in litigating and trying product liability cases (consumer and industrial products), involving alleged 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.

Wilson Elser, Associate, Miami, Florida (1987-1992) Litigated and defended product liability, premises liability, premises security, and construction defects cases. Defended and tried chiropractor malpractice cases.

Burger King Corporation, Miami, Florida (1981-1982) Responsible for franchise-related terminations and litigation.

Fleming, O'Bryan and Fleming, Fort Lauderdale, Florida (1976-1981), litigated and defended medical malpractice, product liability, and general liability cases.

Admissions and Certifications

Florida Supreme Court Certified Mediator, Circuit Civil, since 2013

The Florida Bar, since 1976

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

U.S. District Court, District of Puerto Rico, 1991

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

U.S. Supreme Court, 1979

Martindale Hubbell AV@ Preeminent™ rated

American Arbitration Association, Essential Mediation Skills for the New Mediator, certificate of completion, Los Angeles, October 14-18, 2013

International Institute for Conflict Prevention and Resolution, 2013 Advanced Commercial Mediation Training, New York, June 12-13, 2013

American Bar Association's ADR's Advanced Mediation Training, Nashville, Tennessee, November 21-22, 2013

International Institute for Conflict Prevention and Resolution, 2014

Professional Memberships

American Bar Association, Section of Dispute Resolution and Section of International Law, 2015

Miami International Arbitration Society, founding member, international arbitration and mediation

Hispanic National Bar Association

The Florida Bar, International Law and Alternative Dispute Resolution sections

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

“International Commercial Mediation,” guest lecture, Prof. Manuel Gomez’ 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

"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*, 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