



Ricardo Ugarte

Partner

Chicago

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Former chair of Winston’s International Arbitration Practice, Ricardo applies his multilingual capabilities to advise clients in international arbitrations and lawsuits filed across the world, including in the U.S., Asia, Latin America, the Middle East, and Europe.

Ricardo Ugarte est un partenaire dans le bureau de Chicago de l’entreprise. M. Ugarte est un associé polyglotte qui concentre son activité sur les arbitrages internationaux, les contentieux internationaux ainsi que les contentieux commerciaux complexes. Il a conseillé une large palette de clients dans un grand nombre de litiges internationaux. Parmi ces clients figurent des compagnies pétrolières et énergétiques, des établissements financiers, des entreprises de télécommunications, des compagnies d’assurance, des groupes pharmaceutiques, des entreprises de construction, des fabricants ainsi que des états souverains étrangers.

Au cours de sa carrière, M. Ugarte a conseillé des clients lors de procès et d’arbitrages internationaux devant diverses juridictions aux États-Unis, en Amérique latine, au Moyen-Orient et en Europe (Autriche, France, Pays-Bas, Espagne, Suède et Suisse, entre autres).

Il a pris part à des arbitrages de grande envergure, dont l’enjeu, pour certains, dépassait largement le milliard de dollars, et a travaillé comme avocat lors d’arbitrages devant la CNUDCI et dans le cadre d’autres arbitrages conduits sous l’égide de la Chambre de commerce internationale, la Chambre de commerce de Stockholm, le Centre international pour le règlement des différends relatifs aux investissements (CIRDI) et la Cour permanente d’arbitrage.

Il a conseillé des clients dans plusieurs domaines du droit, notamment le droit des contrats et du commerce, la fraude, la responsabilité en matière de produits et la couverture d'assurance, et pour des questions de droit pénal qui naissent dans le cadre d'affaires de droit civil.

Il est actuellement l'avocat commis au dossier dans de nombreux arbitrages en matière d'investissement déposés devant le CIRDI, la CCI et en vertu du Règlement d'arbitrage de la CNUDCI, y compris un arbitrage où plus de 10 milliards de dollars sont en jeu. Compte tenu de son expérience en matière de traités d'investissement, M. Ugarte a été élu par la CCI pour faire partie de son groupe de travail sur les procédures d'arbitrage entre investisseurs et États. Il représente des clients dans six des plus importants arbitrages relatifs aux traités et aux contrats répertoriés dans l'Arbitration Scorecard de 2013, la publication la plus récente publiée par le magazine The American Lawyer.

M. Ugarte a obtenu une licence avec mention à l'Université de Chicago en 1990 et un master en droit à la Faculté de droit de l'Université Northwestern en 1993.

HONORS & AWARDS

M. Ugarte a été distingué à plusieurs reprises, et il apparaît notamment dans l'édition 2012 de The Best Lawyers in America pour l'arbitrage international, dans l'édition 2013 de The Legal 500 Europe, Moyen-Orient et Afrique et dans les éditions 2013 et 2014 de The Legal 500 Amérique latine également pour l'arbitrage international. Son travail est reconnu dans Chambers Europe 2014. En outre, il a agi comme conseil principal dans le cadre d'un d'arbitrage international qui a été considéré comme l'une des "plus grandes victoires de la défense, 2011-2013" par The American Lawyer.

En 2015, sous la direction de M. Ugarte, le bureau et les avocats de Genève ont reçu le prix du "Meilleur cabinet d'avocats de l'année en Suisse en arbitrage international" et le prix du "Meilleur cabinet d'avocats de l'année en Suisse en contentieux commercial complexe" décernés par le magazine CorporateINTL.

ACTIVITIES

Membre du Conseil Européen des Utilisateurs de la London Court of International Arbitration.

Membre du groupe de travail de la Cour internationale d'arbitrage de la CCI sur les "Arbitrages impliquant des Etats ou des Entités étatiques".

Membre de la Swiss Arbitration Association.

PUBLICATIONS & SPEAKING ENGAGEMENTS

Intervenant lors de la deuxième conférence annuelle de la CCI sur l'arbitrage international au Moyen-Orient et en Afrique du Nord, "Arbitrating Oil and Gas disputes in the Middle-East", (Arbitrer des différends liés au pétrole et au gaz au Moyen-Orient), mars 2014.

Co-auteur de la partie concernant la Suisse de Global Arbitration Review Investment Treaty Arbitration Know-How, octobre 2013.

Co-auteur de "Pharmaceuticals: A New Frontier in Investment Treaty Arbitration" (Médicaments: une nouvelle frontière dans l'arbitrage en matière de traités d'investissement), Global Arbitration Review, 6 septembre 2013.

Intervenant sur le déni d'avantages, l'abus de droits, et les questions de forum shopping découlant des traités d'investissement internationaux lors d'un séminaire organisé par les Nations Unies et l'Organisation des Etats Américains (décembre 2012).

Président du panel lors de la Conférence Annuelle de Miami de la CCI sur l'arbitrage international en Amérique latine à propos des coûts de l'arbitrage (novembre 2012).

Intervenant sur "Investor-State Arbitration: Effective Means to Resolve Disputes Between a Foreign Investor and the Host State" (Arbitrage entre un investisseur et un Etat : moyens efficaces pour résoudre les litiges entre un investisseur étranger et le pays d'accueil), séminaire organisé par le Practising Law Institute (septembre 2011).

Intervenant sur l'arbitrage commercial international et l'arbitrage en matière de traités d'investissement lors d'un séminaire organisé par la Chambre de Commerce de Lima, Pérou (octobre 2011).

Intervenant sur les arbitrages entre investisseurs et Etats sur invitation du conseil du CIRDI, sponsorisé par l'Université de Monterrey, Mexique (avril 2010).

Co-auteur de "Ensuring Party Equality in the Process of Designating Arbitrators in Multi-Party Arbitration" (Garantir

Questions clés

Commercial Arbitration

- Represented a Canadian oil and gas development company in a US\$1.8B UNCITRAL ad hoc arbitration against a major Chinese oil company on disputes arising from a high-stakes coal-bed methane (CBM) and shale gas production sharing contract.
- Represented a multinational electronic corporation in a high-profile ICC arbitration of contract claims brought by a multinational technology company concerning the global sale of batteries for use in mobile phones.
- Represented a major U.S. restaurant chain in an ICC arbitration involving a franchisee with operations in Eastern Europe. We obtained 100% of damages sought in favor of our client.
- Represented a major U.S. mobile device manufacturer in a US\$1B ICC commercial arbitration against a Chinese telecom company arising out of alleged trade secret violations following the acquisition of a wireless network business by another competing telecom company. The arbitration was seated in Geneva, Switzerland and governed under Swiss law.
- Represented a U.S. pharmaceutical company in an ICC arbitration brought by a Swiss company seeking compensation for alleged underpayments of royalty fees.
- Represented a U.S. pharmaceutical company in an ICC arbitration filed by a Japanese pharmaceutical company. The arbitration arose out of a contract for the sale of a drug impacting the Asian market.
- Represented a U.S. pharmaceutical company in an ICC arbitration arising out of a distribution agreement governed under New York law, which resulted in a dismissal of all claims against our client.
- Represented a Nigerian pension fund in an ICC arbitration involving an alleged breach of a shareholder subscription agreement under English law, which resulted in a favorable settlement for our client.
- Represented a Mexican gas company in ICC arbitration arising out of the purported breach of a natural gas purchase and delivery agreement governed by New York law.
- Represented a central Asian oil company in an ICC arbitration involving a joint operation agreement for an oilfield in Kazakhstan. Obtained a complete dismissal of all claims against our client.

Investor-State Arbitration

- Represented the Kingdom of Jordan in two international arbitrations that arose out of a failed project to construct a modern railway between Amman and Zarqa, where claims of more than US\$1B in damages were sought against our client. We obtained a discontinuance of the ICSID arbitration and an ICC award in favor of our client that earned Ricardo recognition for having obtained one of the top 10 "Biggest Defense Wins," according to the *American Lawyer's* Arbitration Scorecard.
- Represented a renewable energy investor in an investment treaty arbitration against Italy arising from Italy's sudden withdrawal of incentives that had been created for investors to invest in the construction of solar energy plants.
- Represented the claimant in an investment arbitration filed before ICSID alleging claims arising under the Jordan-Sudan and Lebanon-Sudan bilateral investment treaties. This was the first-ever investment treaty claim filed against the Republic of Sudan.

- Represented a publicly listed junior mining company in an ICSID arbitration against the Republic of Panama under the U.S.-Panama Bilateral Investment Treaty arising out of the company's investment in a mineral concession in Western Panama.
- Represented PetroEcuador in an ICSID arbitration brought by an oil and gas company involving the imposition of a windfall tax on oil profits and collection proceedings. The damages claimed exceeded US\$400M and was dismissed after a favorable settlement was reached.
- Represented the Republic of Ecuador in a UNCITRAL Rules investor-state arbitration under the U.S.-Ecuador BIT administered by the PCA. The Tribunal issued its final award, awarding less than five percent of the total amount requested by claimants.

Reconnaisances

Ricardo is regularly recognized in the field of international arbitration by various publications. Most recently, he is ranked in *Chambers USA* and *Chambers Global* for International Arbitration and recognized in *Lawdragon 500's* "Leading Global Litigators" and *The Legal 500 US*. He has been recognized in *The Best Lawyers in America*© for International Arbitration since 2012 and was honored as "Lawyer of the Year in International Arbitration" in Chicago by *Best Lawyers*® in 2019, 2022, and 2024. He was also recently recognized in *The Legal 500 Latin America 2022 – International Firms* for his International Arbitration work. Ricardo was ranked by *Who's Who Legal* for Arbitration in 2022 and 2023 and was included on the *National Law Journal's* ADR Champions 2017 list. *Legal 500 U.S.* praised him in its 2020 edition as "extremely hard working and always effective". *Legal 500 Latin America International Firms* recognized him for International Arbitration in 2024. Ricardo was listed under "Most Influential Minority Lawyers in Chicago" by *Crain's Custom Media* in 2017.

In addition, he served as lead counsel in an international arbitration that was recognized as one of the "Biggest Defense Wins, 2011–2013" by *The American Lawyer*.

Qualifications

FORMATION

Ricardo received a B.A., with general and special honors, from the University of Chicago in 1990 and a J.D. from Northwestern University School of Law in 1993.

BARREAU(X)

- Illinois

LANGUES

- French
- Spanish
- Italian

Related Insights & News

Publications

- Authored Winston & Strawn’s Pocket Guide to International Arbitration, updated 2020
- Co-authored “EU Treaty Proposal Constricts Rights of Energy Investors,” Law360, May 18, 2020
- Co-authored “Recent US Federal Court Ruling Permits Discovery in Aid of CIETAC Proceeding,” *The Recorder*, April 21, 2020
- Co-authored “Arbitration Proceedings In The Age Of Virtual Hearing Rooms,” Law360, April 9, 2020
- Co-authored the Switzerland chapter in *Global Arbitration Review Investment Treaty Arbitration Know-How*, October 2013, 2014, and 2015
- Co-authored “Pharmaceuticals: A New Frontier in Investment Treaty Arbitration,” *Global Arbitration Review*, September 6, 2013
- Co-author of “Ensuring Party Equality in the Process of Designating Arbitrators in Multi-Party Arbitration,” *Journal of International Arbitration*, Vol. 27.1, February 2010

Speaking Engagements

- Speaker, “Drafting Enforceable & Effective International Arbitration Clauses,” Washington University in St. Louis School of Law International Arbitration & Dispute Resolution Symposium, March 2019
- Speaker, “Trends in International Arbitration and the Role of Dubai,” Dubai, May 2018
- Speaker, “Important Trends in International Dispute Resolution,” ICDR Young & International, Chicago, April 2018
- Speaker at National Law University in New Delhi on “Investment Arbitration,” September 2015
- Key Note Speaker at Centre for Alternative Dispute Resolution in New Delhi on “Investment and Commercial Arbitration in India: Prospects and Challenges,” September 2015
- Speaker, Basel Institute, Switzerland, “Investment Treaties: Additional Rights To Protect Against Unjust Foreign Tax Measures in Africa,” June 2015
- Speaker, “CPR Administered Arbitration Rules for International Disputes,” Geneva, Switzerland, March 2015
- Speaker, Belgrade, Serbia, “Investment Treaty Arbitration (Eastern Europe),” May 2014
- Speaker, Geneva Session of Swiss Arbitration Association, “Latin American Perspectives on International Commercial Arbitration,” May 2014
- Guest Lecturer, Graduate Institute, Geneva, Switzerland, “Environmental Law Claims in the Context of Investment Arbitration,” March 2014
- Speaker at the ICC Second Annual Conference on International Arbitration in the Middle East and North Africa, “Arbitrating Oil and Gas disputes in the Middle-East,” March 2014
- Guest Lecturer, Loyola University, “Investment Treaty Arbitration: Jurisdictional Principles,” March 2013
- Speaker regarding denial of benefits, abuse of rights, and forum shopping issues arising under International Investment Treaties at a seminar hosted by the United Nations and the Organization of American States, December 2012
- Chair of panel at ICC’s Annual Miami Conference concerning International Arbitration in Latin America on the topic of arbitration costs, November 2012
- Speaker re “Investor-State Arbitration: Effective Means to Resolve Disputes Between a Foreign Investor and the Host State,” hosted by Practising Law Institute, September 2011
- Speaker re international commercial arbitration and investment treaty arbitration at seminar hosted by the Chamber of Commerce of Lima, Peru, October 2011
- Speaker re “Investor-State arbitrations at invitation of counsel for ICSID,” sponsored by the University of Monterrey, Mexico, April 2011

SEMINAR/CLE

2024 Health Care & Life Sciences Summit

JUNE 4, 2024

RECOGNITIONS

Winston & Strawn Recognized in *Global Arbitration Review's* GAR100 17th Edition

MARCH 22, 2024

RECOGNITIONS

Winston and Yuanda China Law Offices Recognized in *Chambers Global 2024*

FEBRUARY 16, 2024

RECOGNITIONS

Winston Attorneys Recognized in *Who's Who Legal: Arbitration 2024*

DECEMBER 7, 2023

SPEAKING ENGAGEMENT

Winston Supports SOBAL Conference 2023

NOVEMBER 30, 2023

RECOGNITIONS

Winston & Strawn Recognized in All Categories of *The Legal 500 Latin America 2024*

OCTOBER 26, 2023

RECOGNITIONS

Winston's Latin America Practice Recognized in Latin Lawyer's 250 2024

AUGUST 30, 2023

RECOGNITIONS

Winston Attorneys Recognized in *The Best Lawyers in America*[®] 2024

AUGUST 17, 2023

RECOGNITIONS

Winston Attorneys Featured on *Lawdragon's* 500 Leading Global Litigators List 2023

JULY 21, 2023

RECOGNITIONS

Winston & Strawn Recognized in *The Legal 500 U.S.* 2023

JUNE 7, 2023

RECOGNITIONS

Winston & Strawn Recognized in *Chambers USA* 2023

JUNE 6, 2023

CLIENT ALERT

Winston & Strawn's 2023 Pocket Guide to International Arbitration

MAY 2023

Capacités

Litigation/Trials

International Arbitration

Energy

Medical Devices

Technology, Media & Telecommunications

Oil & Gas