

Ulyana Bardyn

Senior Managing Associate



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Overview

Ulyana Bardyn is a senior managing associate in Dentons' International Dispute Resolution practice group. Her practice is focused on complex cross-border disputes, including commercial arbitration, investor-state arbitration and commercial litigation. Ulyana's experience includes appearing as counsel in cases governed by the rules of the International Centre for Settlement of Investment Disputes (ICSID), the International Chamber of Commerce (ICC), the London Court of International Arbitration (LCIA), the American Arbitration Association (AAA) and the United Nations Commission on International Trade Law (UNCITRAL), as well as commercial litigation matters in US federal and state courts.

Ulyana is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and she sits as an arbitrator. Ulyana previously worked with the Secretariat of the ICC International Court of Arbitration, where she oversaw hundreds of arbitration matters.

An active member of the international law community, Ulyana serves on the CPR Institute's Steering Committee of Young Attorneys in Dispute Resolution (CPR Y-ADR) and is a Kluwer Arbitration Blog Assistant Editor for North America. She teaches a class on advocacy in investment arbitration at Brooklyn Law School and a class on international commercial arbitration at the Arbitration School of the Ukrainian Arbitration Association held annually in Kyiv, Ukraine. Ulyana frequently speaks and writes on topics relating to commercial and investor-state arbitration.

Ulyana is fluent in Ukrainian and Russian. She also serves as outside legal counsel for Ukrainian American Business and Professionals Association.

Experience

Investor-state arbitration

- **Government of Papua New Guinea:** Counsel in an ICSID arbitration commenced by an energy consortium involving alleged breaches of international law concerning a refinery in Papua New Guinea.
- **Dutch piping company:** Counsel in an ICSID arbitration against Egypt concerning Egyptian sewerage projects.

- **American commodity investors:** Counsel in an ICSID arbitration against Egypt in a dispute concerning the Egyptian cotton sector.
- **UK-Cypriot mining consortium:** Counsel in two related arbitrations against Poland, under the ICC and UNCITRAL Rules, concerning potash mining concessions.
- **Canadian gold mining company:** Counsel concerning projects in several Latin American countries.

Commercial arbitration

- **Major protein company:** Counsel in connection with a post-closing purchase price adjustment dispute arising out of a multi-billion M&A transaction.
- **French construction equipment manufacturer:** Counsel in a dispute with a US customer (Texas law; AAA Commercial Rules).
- **French software company:** Counsel in a dispute against a Korean broker (Korean law; ICC Rules).
- **French entrepreneur:** Counsel in a dispute arising from unlawful termination of a joint venture, implicating the US Foreign Corrupt Practices Act and Venezuelan currency exchange laws (Venezuelan and Delaware law; AAA Commercial Rules).
- **Cypriot owner of a Russian cardboard factory:** Counsel in a dispute arising from unauthorized sale of the factory (English law; LCIA Rules), and in related proceedings in Russian, Cypriot and BVI courts.
- **Albanian oil refinery:** Counsel in a multi-party arbitration concerning an alleged theft of large volume of naphtha used as a collateral (English, Swiss and Albanian law; ICC Rules).
- **Power plant:** Counsel in a construction dispute (New York and West Virginia law; AAA Construction Rules).
- **Central Asian bank:** Counsel in disputes arising from breach of loan agreements (New York law; ICC Rules).

Commercial litigation

- **Austrian entrepreneur:** Defending in US federal and Delaware state courts against allegations of breaches of fiduciary duties and corporate waste relating to an innovative online payment authentication business.
- **Documentary director:** Counsel in a copyright infringement and false advertising action arising out of an Oscar-nominated documentary about Ukraine's Revolution of 2014.
- **Hong Kong apparel company:** Counsel in a US federal court action arising from a failed merger, involving novel issues of Delaware law that were referred for determination to Delaware Supreme Court.
- **Russian partner in an aerospace joint venture:** Counsel in a dispute among the JV partners that led to several litigation and arbitration proceedings in the US and in several other jurisdictions.
- **French partner in a Venezuelan joint venture:** Counsel in two parallel enforcement and set-aside proceedings following a favorable arbitration award.
- **US apparel company:** Counsel in a commercial real estate litigation in US federal court.

Insights

- Kluwer Arbitration Blog, *The Long Arm of Section 1782 Discovery: Recent Developments in the US Second Circuit* (2019)
- Global Arbitration Review: The Arbitration Review of the Americas 2020, *The Role of Artificial Intelligence in International Arbitration* (2019), co-author

- The Law Review: The Investment Treaty Arbitration Review, *Full Protection and Security* (2019), co-author
- International Comparative Legal Guide to Investor-State Arbitration, *Substantive Protections in Investment Law* (2019), co-author
- Investment Treaty Arbitration and International Law, *The Legitimacy Crisis or a Tempest in a Teapot?*, *Juris Conferences* (2018)
- BCDR-AAA International Arbitration Review, *Investment Claims Amid Civil Unrest: Questions of Attribution and Responsibility* (2017), co-author
- Enforcement of Awards, *The Investment Treaty Arbitration Review* (2017, 2018), co-author
- Ukraine Chapter, *The International Arbitration Review* (2011–2017, except 2016), co-author

Activities and Affiliations

- Fellow, Chartered Institute of Arbitrators
- International Commercial Disputes Committee, NYCBA
- Banking and Financial Services Committee, CPR Institute
- Arbitration Committee, CPR Institute
- Ukrainian Arbitration Association
- Ukrainian American Bar Association
- Young International Arbitration Practitioners Group

Presentations

- Presentation on the resolution of financial disputes through international arbitration, Practising Law Institute, New York, December 2019
- Moderator, panel on damages, Chartered Institute of Arbitrators, New York, September 2019
- Panel on preparing for the robo-revolution, CPR European Conference, London, May 2019
- Faculty at the VII Arbitration School, Ukrainian Arbitration Association, Kyiv, May, 2019
- Panel on modern law practice, Judicial Intern Opportunity Program seminar, US District Court for the Southern District of New York, June 2018
- Panel on the Pledge on Equal Representation in Arbitration, NYU International Law Society program, New York, April 2018
- Panel on parallel proceedings, *Juris Conferences* program, Washington, DC, March 2018
- Panel on settlements in international arbitration at ICC YAF program, New York, October 2016
- Panel on careers in international law organized by the New York City Bar Association, July 2016
- Panel on reconsideration of arbitral awards at ICC YAF – CLA program, Miami, June 2016
- Co-chair, panel on international investment agreements, ABA Spring Meeting, April 2014
- Presentations on unique features of ICC arbitration to law firms and in-house counsel

Areas of focus

Practices

- Arbitration
- Public International Law
- Alternative Dispute Resolution (ADR)
- Litigation and Dispute Resolution
- Commercial Litigation

Industry sectors

- Energy
- Financial Institutions
- Life Sciences and Health Care
- Luxury, Fashion and Beauty
- Construction

Education

- Georgetown University Law Center, 2010, LL.M., (Distinction and Dean's list)
- University of London, 2010, Postgraduate Diploma, International Commercial Arbitration (with Merit)

Admissions and qualifications

- New York
- US District Court for the Southern District of New York

Languages

- English
- Russian
- Ukrainian