



CEDR Accreditation:	2012
CEDR Panel:	2015
Languages:	English Dutch French German
Location:	The Netherlands

Martin Brink Ph.D

“Martin helped us to reach an agreement due to his patience, perseverance and creativity”

Client Feedback

Overview

Martin Brink is a Dutch attorney at law with over 45 years of practical experience of resolving corporate and commercial disputes and is a scholar of the various schools of mediation. He has a success rate of 98% in the mediation cases he handled. He has written a book on (Business) Mediation and Subject Matter Expertise. He is presently writing a book on Corporate Mediation discussing the workings a mediation skills both within organisations as well as between organisations. He has mediated in a vast range of cases, varying from shareholders' issues to helping the national government to come to solutions in various cases of public interest and/or regulatory issues. Courts do regularly engage Martin to act in Court annexed mediation cases.

Professional Background

In addition to his work as a practicing attorney and mediator, Martin is often asked to act an arbitrator – he is a member of the Dutch Arbitration Institute and on the panel of ICC Netherlands – and negotiator. Being a former substitute magistrate in the Court of Appeals at The Hague, he finds himself overseeing the crossroads of conventional and alternative dispute resolution mechanisms. Ha earned his Ph.D with a thesis on the topic of Due Diligence.

He has experience in the field of corporate law and financial law. He has been on the Board both as acting or Supervisory Director of various financial institutions and was co-founder and Board Member of the Foreign Bakers' Association in the Netherlands. Presently he still is Chairman of various Executive Committees. He is the incorporator and past Chairman of the Society of Corporate Mediation. Formerly he was a sworn translator English/Dutch and Dutch/English.

Martin regularly lectures at various universities in The Netherlands and served on the Committee appointed by the Dutch Ministries of Justice and of Economic Affairs to design a new law on closed companies with limited liability. Ha is an advisor to the Dutch Bar Association on the topic of mediation as well as of the Dutch Mediation Federation and the Center for Conflict Resolution in the Netherlands.

Expertise

- Employment & Workplace
- Banking, Finance & Insurances
- International Trade & Competition
- Commercial & Corporate
- Public Sector & Governance
- Healthcare & Personal Matters
- Construction, Property & Planning
- Industry, Energy & Environment
- Technology, Media & IP

Dispute Experience

Outside counsel on corporate and banking law, Corporate litigator, arbitrator, former substitute magistrate in the The Hague Court of Appeals, The Netherlands.

Banking & Finance

- Case about notice of a 20 million euro credit arrangement between a bank and its client.
- Dispute about shared interest between a leaving management team and private equity provider.
- Dispute between investors in an investment vehicle.

- Claim for compensation from a bank as result of a margin call under an options arrangement.
- Dispute about a profit sharing arrangement between investors in a listed company.
- Claim resulting from the liquidation by French Bank of its permanent establishment in London.
- Dispute over funding of old age pension fund.

Commercial Contracts

- Claim of damages about a polluted oil product between two oil companies.
- Collective damages dispute between Dutch Government and a foundation of aggrieved entrepreneurs.
- Dispute between Dutch Government and sales company about the status of a products in terms of the right to advertise it not being a medicine.
- Various disputes between franchisors and a group of dissatisfied franchisee's in various branches of industry.
- Dispute between two consortia of developers of a business park.

Mergers & Acquisitions

- Settlement of a 22 million euro representations and warranties' claim under a share purchase agreement.
- Dispute about misrepresentation in annual accounts of an impairment of real estate.
- Various disputes about claims to rescind acquisition agreements because of breach of representations and warranties.

Partnership & Shareholder

- Disentanglement of a joint venture between two leading companies providing technology services.
- Settlement of disputes between Board members and Supervisory Directors and also organised processes to improve relationships.
- Conflict resulting in re-assessment of terms for cooperation in a joint venture to develop a large real estate project.
- Regularly helped Boards and works councils to improve their relationship.
- Settlement of disputes about decision making in companies, e.g in the field of reorganisations and restructuring.
- Mediating between various divisions of a major branch organisation

Personal Style

Having been trained in various styles of mediation, Martin is able to deploy the mediation method or a mixture of methods that will help facilitate communication between the parties and to allow them to explore possibilities to find solutions. The mediation style will be used which is most suited to the needs of the parties and/or the situation at hand. Martin will not shy away from robust reality testing where appropriate or proposing solutions for the consideration of the parties where the situation and the atmosphere in the mediation will allow room for that. He is considered an expert in evaluative mediation.

Professional Skills

Martin Brink obtained his Master's Degree from Utrecht State University in 1975 and his Ph.D from Maastricht University in 2008.

- 2001 Accreditation Dutch Mediation Institute
- 2008 IMI Mediation Accreditation
- 2012 CEDR Accreditation
- 2014 IMI Certified Mediation Advocate

Positions Held

- Practised law in Rotterdam, Amsterdam and Utrecht.
- Co-founded a global alliance of law firms.
- Held various (Supervisory) Board positions o.a. with finance companies of German Banks in The Netherlands and of U.S. and Japanese based companies (o.a. Digital Equipment and Fujitsu). He presently is the Chairman of the Executive Committee of Kikkoman Foods Europe and the Collewijn Towing Group
- Co-founded the Foreign Bankers' Association in The Netherlands and served as a Board Member for many years.
- Substitute magistrate from 1980 until 2018, last serving as a substitute magistrate in the Hague Court of Appeals.
- Society of Corporate Mediation, ICC Netherlands, Dutch Bar Association.

Feedback

- “He managed to make us both listen to the other and saved the future of the company.”
- “Good at listening and observing, capable of being blunt where that would be helpful but also diplomatic.”
- “A combination of legal skills, legal experience, authority and optimism make martin Brink an excellent mediator.”
- “In depth view on mediation goals represents skills and characteristics of Martin Brink, that help him to observe, analyse and explain and to contribute to the solution of the problem to an extent that makes it possible – after a while – to communicate and operate without him.”
- “Martin is able to tune into and speak the language of the parties and make the parties feel appreciated and understood.”
- “He is not afraid to address issues which might be sensitive or difficult to deal with and he has proven to be able to guide parties from a labyrinth of emotions and problems into mutually accepted business-like solutions.”
- “His patience, sensitivity and positive attitude towards all parties involved in a mediation is highly appreciated.”
- “His language skills and understanding of different cultures make him especially capable of acting as mediator in cross border situations.”