



Michael P. Holland

CEDR Accreditation: 2003

CEDR Panel Admission: 2004

Languages: English

Location: USA / UK

“... highly effective in taking the heat out of a dispute and creating an atmosphere conducive to settlement.”

Chambers Guide to the Legal Profession 2011

Overview

The only full time mediator regularly mediating on both sides of the Atlantic, Mike Holland draws on a career in the international insurance and reinsurance industry that spans over four decades. Having successfully established and run his own business for over 25 years, he brings unique commercial skills to his dispute resolution practice which now extends well beyond his original insurance industry roots.

Mike has participated in over 600 mediations in the USA and UK since 1989. Amounts in dispute have ranged from those lacking any monetary interest to those involving sums in excess of £2 billion (US \$3 billion). He recently conducted the first mediation to take place in Uruguay.

Professional Background

Mike was a Broker, Claims Manager and Underwriter in the Lloyd’s Market from 1966 to 1984. He founded his own company consulting, claims and litigation management company, Elliston, in 1984 which he sold ISO in 2000. During his insurance industry career Mike has acted for insurers, insured’s and brokers in matters such as film finance, pollution, personal injury, energy, property damage, products liability, professional liability. He has also consulted on mergers, acquisitions and general insurance and regulatory issues.

Expertise

- ICT
- Insurance
- NHS & Healthcare
- Partnership & Shareholder
- Personal Injury
- Professional Negligence
- Sale of Goods & Services

Dispute Experience

(As mediator and professional negotiator)

ICT – Information, Communication & Technology: Claim and counter-claim in respect of a contract to supply and install accounting and stock control software.

Insurance & Re-insurance

- Litigation in three continents involving five different jurisdictions (17 lawsuits in all) between one of the world's largest banks and numerous insurers and reinsurers.
- Litigation between a major US Healthcare Insurer and its own Professional Liability Insurers.
- Class actions in respect of tax shelters involving multiple defendants and billions of dollars in claimed damages.
- Numerous coverage cases on direct and reinsurance policies for property, casualty, energy and marine business.
- Numerous disputes between Insurers and Brokers, Insurers and Agents, Insurers and Reinsurers.
- Cedant and Reinsurer disagreement about Adjustment Premium payment.

NHS & Healthcare: Dispute over the fair cost of care and nursing services.

Partnership & Shareholder: Dissolution of professional partnership.

Personal Injury

- A personal injury claim involving a US fast food chain which attracted worldwide publicity and became the catalyst for legal reform initiatives.
- Accident involving personal injury or death to nine claimants.
- Claims relating to the catastrophic loss of an oil rig in the Gulf of Mexico resulting in loss of life.

Professional Negligence

- Claims of negligence and dishonesty against a financial adviser in respect of investments in high income bonds.
- Major managed litigation brought in respect of multiple claims for professional negligence against hundreds of defendants in separate High Court actions (co-mediator).

Sale of Goods & Services

- Dispute as to the rights and services of the residents of an assisted living/sheltered housing and care facility.
- Claims of negligence in connection with negotiations for the sale of a business unit and the drafting of a Sale and Purchase Agreement.

Other Dispute Resolution Experience

An experienced negotiator Mike has personally settled over eight hundred disputes in the past thirty years and has been responsible for directing the settlement of many more. In addition, he has acted as conciliator or facilitator in the resolution of several commercial disputes before litigation ensued.

Mike has successfully resolved disputes for people of African, Hispanic, Asian and European origin resident in the Northern and Southern States of the USA, Canada, Central and South America. He has also resolved disputes in or with residents of Canada, Africa, Australia, Germany, Austria, Italy, Switzerland, France, Belgium, Holland, Eire and the UK. These achievements were founded on solid preparation and a demonstrated respect for the individuals and their culture.

Mike also has experience of binding dispute resolution having acted at the request of parties as an expert adjudicator on a non-appealable basis. He has also advised on and implemented investigations, trial and arbitration strategy, mock trials, witness preparation, jury selection and settlement.

Personal Style

Mike's approach to mediation is founded on thorough preparation, organisation, patience and stamina. Drawing on his extensive experience of creative settlements, he helps parties focus on the essential facts, to assess their risk and he guides them to their own settlement. When necessary he is

able to examine reality through searching questions, achieved in an informal but respectful and professional atmosphere.

Feedback - Directories

- *"... highly effective in taking the heat out of a dispute and creating an atmosphere conducive to settlement."*

- Chambers Directory 2008
- *"... acknowledged for his huge depth of knowledge when it comes to insurance."*

- Chambers Directory 2010
- *"A natural mediator..." thanks to his "empathy with clients and instinctive understanding of what they are trying to achieve"*

- Chambers Directory 2011

Feedback – Clients

- *"... particularly impressed with his persistence when faced with evasive, shallow or unsubstantiated responses to matters arising out of the important issues in the case. It does him credit that he was able to pursue these matters with tenacity whilst maintaining the goodwill and respect of those whose supposed confidence in their case he was testing."*

- Leading U.K. Mediator
- *"The most well managed and effective mediation I have ever had or heard of."*
- *"A job well done! My clients particularly want me to thank you for the courtesy and consideration you gave them throughout."*
- *"My clients are very pleased to have experienced English style mediation."*
- *"Smoothly moved us towards settlement without drama or apparent effort"*

- Lawyers involved in an eleven party US wrongful death and personal injury matter
- *"... tremendous amount of knowledge in this area"*

- Insurance/Reinsurance
- *"... the best personal skills I have ever seen".*

- Senior U.S. Lawyer
- *"(you)... achieved the impossible with your calm and patience."*

- Senior U.K. Lawyer

- *“A difficult set of circumstances which could have been incendiary on a number of levels. You handled (my client) with aplomb if I may say so and we reached a resolution ...”*

- Senior U.K. Lawyer

Professional History

Current: Mediator and dispute resolution consultant.

Previous: President, Elliston, LLC (1984 - 2007)

Managing Director, Elliston (UK) Limited (1985 - 2007)

(Insurance consulting practices)

Senior Vice-President, Insurance Services Office, Inc. (“ISO”) (2000 - 2007)

(Data, analytics and decision support)

Memberships

- CEDR Solve Commercial Mediator Panel
- Member – Chartered Institute of Arbitrators
- CPR Institute for Dispute Resolution

Other

- Dual Nationality – UK and USA with bases in both countries.
- Occasional speaker on dispute resolution.
- Trainer in negotiation, persuasion and dispute resolution skills.