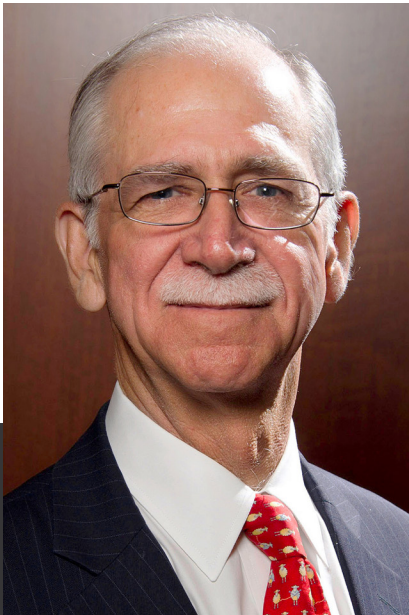


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LEADING COMMERCIAL LITIGATORS 2024



**RICHARD J.
HOLWELL**

Holwell Shuster & Goldberg

New York

Litigation

Richard J. Holwell, a prominent figure at Holwell Shuster & Goldberg, is a former federal judge who served in the U.S. Southern District of New York from 2003-12.

More recently, he has successfully navigated two challenging legal disputes using innovative settlement strategies. His approach highlights the potential of alternative dispute resolution methods in complex legal matters.

In the first case, Holwell tackled a dispute between two law firms over the apportionment of a fee award. The parties were significantly divided on the issue, posing a risk of costly litigation. To resolve this, Holwell employed “baseball arbitration,” a strategy where each party proposes a figure, and the arbitrator selects one.

“Although the arbitrator still makes the final call, this exercise brought the parties much closer together, with neither wanting to appear unreasonable,” Holwell said.

The second matter involved a failed infrastructure project and had already progressed through a two-week arbitration hearing. Before the decision, Holwell guided the parties to agree on a high-low settlement. This arrangement ensured a substantial payment by the respondent, even if the ruling favored them, and capped damages for the petitioners, even if they were granted full relief. This innovative approach provided a balanced resolution, avoiding the un-

certainies and potential dissatisfaction of a unilateral decision.

“Both cases demonstrate that even when adversaries are unable to reach settlement terms on their own, there are creative solutions that counsel should consider,” Holwell said.

Holwell’s cases exemplify the effectiveness of creative settlement techniques in resolving disputes. His experiences also underscore the importance of diversity in the legal profession.

“One trend I happily observe — and that my firm, Holwell Shuster & Goldberg, is invested in encouraging — is the increasing diversity in the profession, particularly among younger lawyers,” Holwell said. “But the progress our profession is making on this front is not close to satisfactory. As a litigator, I feel it is particularly important for the health of our profession to see diverse advocates represented in state and federal courtrooms — not just at counsel tables but questioning witnesses, arguing motions, and first-chairing trials. At Holwell Shuster & Goldberg, we attempt to remain conscious that promoting diversity effectively requires ongoing, sincere, and proactive efforts. I hope the efforts of HSG over time can support this trend.”