

Nicholas Holland: Embracing life's rare opportunities

Nicholas (Nick) Holland has come full circle. Born in London, Nick's career included stops in Vancouver, Toronto and the Cayman Islands before returning "home" as the head of Contentious Trusts and Estates at Bircham Dyson Bell LLP.

Thus, Nick's return to England comes after some global hopping: his adventures have taken him not only "across the pond," but around the globe. We interviewed Nick last month to see what brought him to WeirFoulds in the first place, and to find out what he's been up to since leaving the firm in 2008. Here is his story.

Our Interview

Where did you grow up? Did you have an early interest in law, or is it something you "grew" into?

The two kind of tie together. I had an early interest in law, developed in a family dominated by lawyers. My father, step-father and mother were all law professors. My sister qualified as a lawyer but then took her Masters of Library and Information Sciences. She was the reference librarian at WeirFoulds for a number of years, and now has that same position at the University of Western Ontario.

I was born in London, England, in Camden at the St. Pancras Hospital. My father, Denys Holland, was then a Professor of Law, the first Dean of Students at University College London, the first Warden of Ifor Evans Hall, and the sub-Dean of the University College Faculty of Law. My mother, Winifred Holland, was also a Professor at Law at University College London.

When I was very young, my parents were asked by my father's old friend from Cambridge, Roy Marshall, who was then the Vice-Chancellor, to come and teach law at the University of West Indies in Barbados. My first accent was markedly Bajan

which was rather unusual when we returned to the UK. How did we wind up in Canada? UCL had asked my dad to play host to Bob McKay, the then-Acting Dean of the University of Western Ontario's Faculty of Law, who had been sent to England to recruit a full professor for the Faculty. Bob was a prince of a man and he and my father had one or two passions in common. When my father suggested that he might be the appropriate candidate, Bob agreed and my parents came to Canada to teach law at UWO.

My parents arrived via New York at the Canadian border, with two young children in tow, and announced that we were moving to Canada but had no immigration papers. The immigration officials said this would be fine so long as my parents promised to get their papers and have them stamped in due course. I wouldn't recommend that now!

Your family was "dominated" by lawyers, as you say—was it their experiences that showed you law could be an exciting career?

Yes, I always thought that law could offer a fascinating career. My parents had opportunities around the world and we had the chance to live in some fascinating places: by way of one extreme example, my parents were teaching law at the University of Khartoum in the Sudan when mum was pregnant with me.

I believed (and still believe) that law could open a lot of doors and allows one the freedom to choose different kinds of life, so long as one's mind and heart are open to adventure and one is not obsessively motivated by money. So far, I've been proven right – and thank God I was not obsessed with money as changing jurisdictions is very expensive!

Practising law gives you a rare opportunity to be involved in the lives of people who you wouldn't

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ALUMNUS PROFILE

Nick Holland



Left: Newlyweds Nick and Tracy Holland on honeymoon in Rwanda. Right: Nick in Bali with Tracy, and children Andrew and Adam. Photos courtesy of Nick Holland.

otherwise meet. My job requires me to become a trusted adviser, finding out all about other people. I've always been driven by people's stories, by their narratives. I just thought it was a fascinating career choice and I enjoy my life very much.

Did you attend law school in Canada?

I did my undergraduate work in English and Philosophy and Dramatic Literature at University College, University of Toronto, and then I went on to pursue law at the Faculty of Law at University of Toronto. I am still fond of University College and was for a time the President of the University College Alumni Association. I learned a lot in the Faculty of Law and met people who remain some of my closest friends: Mark Parsons who is now a partner with Freshfields in Hong Kong and Steven Elliott who is an extraordinary barrister with One Essex Court.

You mentioned that your sister was once the firm's law librarian. Did she bring you here?

No, it was the other way around! When I was applying for articling positions, Ontario was still deep in recession but British Columbia was booming. So I went out to Vancouver for a summer position at an excellent firm, Douglas Symes & Brissenden, which sadly no longer exists. However, it had one of the finest trust and estates practices in Canada and many of those people went on to form Legacy Lawyers

with whom I am in touch now from time to time.

I enjoyed my summer in BC and accepted an articling position with Harper Grey Easton, which is now called Harper Grey. Harper Grey had a very good and longstanding relationship with WeirFoulds. Harper Grey is an extraordinary firm and I remain very loyal to it to this day.

After a few misfires (I was not kept on as an articling student at least in part owing to a Statement of Claim I had prepared – from which experience I learned that pleadings were not supposed to contain jokes – honestly, don't do it!), Bryan Baynham, QC hired me back at Harper Grey. From Bryan, I learned a great deal about life, the practice of law and some first-rate anecdotes, and from Mark Tweedy, I learned a great deal about marketing.

In the late 1990s, there was an up-and-coming, brilliant young litigator at Weir & Foulds (as it was then called), David Wingfield, who had two fantastic cases in British Columbia. David came out to the west coast to work on these files with Bryan; we worked very closely and spent a lot of time together socially. David, in his charity, thought my jokes were funny and my work passable; as I mentioned previously, the opposite was true. When I expressed an interest in coming to work in Toronto, David obtained a position at WeirFoulds for me.

Tell us a bit about your time here at the firm.

I started in January 2001, and my first eleven months were incredible. I wound up in two multi-week trials in the first eleven months alone, the first with David and the second with Ken Prehogan. Both were fascinating cases that went on for weeks and involved some really interesting characters, not the least of whom were David and Ken.

Both cases had some very strange witnesses whom nobody really wanted to call, as the witnesses were either frighteningly brilliant or spectacularly uncooperative. I spent an awful lot of time working with both David and Ken: two exceptional lawyers but both with very different personalities and interests from one another. I learned a great deal from them both.

The juniors we worked with were also great and have gone on to be excellent lawyers. Paul Guy was one of the juniors we had on some of the cases; he's simply brilliant. Michael Swartz is another WeirFoulds lawyer who worked on a file with me when he was an articling student. I admire and fear him greatly: he has the memory of an elephant but fortunately the tact of a gentleman. Indeed, Mike was the MC at my second wedding.

Sounds idyllic! What prompted the move?

I was a typical Canadian commercial litigator, at least for the time, and dealt with a wide range

of cases in disparate areas of law. However, I was aware that the world was changing very quickly and that specialization was the new dynamic in the evolution of litigation. I was looking for a way to specialize but my timing was terrible. I tried to specialize in insolvency just as what had been an insolvency boom arising from the use of the CCAA to address pension liabilities was coming to an end, leaving too many insolvency practitioners with too little to do.

At the same time, I was experiencing a lull in my practice as some very large matters which had dominated my calendar came to an end. Ken and I had been working on a series of very high profile cases, and I was also working with Robert Warren on another case. Both of those looked as though they were about to come to their natural and happy conclusions.

And then I received one of those offers you cannot refuse. Solomon Harris in the Cayman Islands had obtained two really interesting retainers. In the first, they represented a professional executor named Martyn Bould, who is an incredibly successful developer in the Caribbean and who became a life-long friend. In the second, they represented a Canadian bank owned professional trustee which was caught up in a \$750-million hedge fund case. Solomon Harris didn't want to simply hire an English barrister for these very lucrative files; they wanted someone to take on both of these cases and generate their own contentious trusts and estates practice. So I met with Solomon Harris and I liked them a lot. At that stage, my wife, Tracy, was pregnant and I thought this was a

fantastic chance to obtain the specialization I felt I needed, to live somewhere completely different and to challenge myself. I also would have the opportunity to spend a great deal of time with my family.

So you built your practice in the Caymans, but are now with BDB in the UK. What prompted the move?

There were two hurricanes in our first year in the Caymans. Our first son, Andrew, was born in Cayman two weeks before the first hurricane, Gustav, hit the Islands. Tracy, her mother, Ingrid, and Andrew were all evacuated to Miami, but only after receiving special permission from the Governors of both the Cayman Islands and Florida for Andrew to travel without a passport. Even with that special permission they had to spend a long time in the illegal holding area at Miami International Airport. Apparently, when the woman in charge of the holding pen saw Andrew she screamed, "You can't bring a baby in here! Are you crazy?!" Tracy assured her that she wasn't there by choice.

When the second hurricane, Paloma, hit, we were ordered to evacuate our home but it came so quickly that we had no chance to evacuate the islands. Tracy, Andrew (aged 3 months) and I spent the night on the floor of the firm's library and our dog, Monty, had the luxury of my friend's office (I chose my friend's office rather than my own in case Monty went to the toilet in the middle of the night).

Our second son, Adam, was also born in the Cayman Islands. About a week after Adam was born, Tracy developed a pulmonary

embolism. The Cayman doctors are very good but what they are especially good at is quickly diagnosing conditions and then telling you to get to Miami for treatment. Unfortunately, you cannot fly with a pulmonary embolism and there is no other way off the island. So Tracy was stuck on-island. When she was finally discharged from the hospital, she said, "You're going to get a job on-shore as soon as possible."

I didn't, however, want to give up on the international contentious trust and estates work I had been developing, or my contacts, so I spoke to some fellow lawyers and some friends I had in both Canada and England about what I should do next. They all agreed that we could either go to another offshore island or London. So off I went to London to look for a job. I didn't really have any expectations about how things would go but they went absolutely brilliantly. Contentious trusts and estates was one of the few areas of law booming in the downturn.

In the end, I had three offers in London to choose from, and picked the offer that ticked all of the boxes. Bircham Dyson Bell offered me a partnership and the opportunity to head the firm's Contentious Trusts and Estates practice of eight partners and eight associates. Bircham Dyson Bell is a wonderful firm with a storied history, particularly in private client and parliamentary agency.

Sadly for my wife, I have been travelling everywhere for work since we arrived. I spent most of my first week on the job at Villa D'Este in Lake Como, Italy. The next week

Scratching the surface...

The one personal item you can't live without: a wallet my father gave me at my Grade 8 graduation, shortly before he died. He gave it to me and said, "this has been in the family for a very, very long time and you must keep it safe."

The one thing that drives you nuts: bureaucracy

The quality you most admire in others: compassion

Your guilty pleasure: in-flight movies and pints at the village pub — and I'm well placed to enjoy those pints now that we're over here!

Your most embarrassing moment as a lawyer:

In my very first trial as counsel I was very nervous, and I was questioning a witness so quickly that the court reporter finally said, "Would you *please* slow down?" I have never seen a court reporter speak in court which shows just how bad it was!

Professional "Quick Facts"

- a solicitor in England and Wales, a barrister in Ontario and British Columbia and an attorney in the Cayman Islands
- recently named a leading lawyer by Chambers Global 2012 in three categories: Private Client, Contentious Trusts, and Dispute Resolution
- accredited specialist in contentious trusts and disputes by ACTAPS, a director of the Cayman National Cultural Foundation, and formerly an Adjunct Professor of Law at the University of Western Ontario

I was at a partnership retreat at one of the old estate homes here in England. And since then I've been to Monaco, Provence, Krakow, the Channel Islands, Geneva, Zurich, Budapest, Indonesia, Hong Kong, Singapore...all in less than 18 months!

I started my legal career wanting to be a private client lawyer. I enjoyed the idea of preparing estate planning and wills and then advising or administering estates. I would have been bored by that in retrospect. What I am very good at is litigating when the administration of an international trust or estate goes wrong and that is what I spend my time doing: I advise professional trustees and administrators (and sometimes the odd beneficiary) when international trusts and estates go wrong. To those not in the area, it may surprise them to know that while I am based in London, my work rarely involves trustees in England; usually my work comes from trustees in the Cayman Islands, the Channel Islands, Switzerland, Gibraltar, the Isle of Man or Singapore.

I am very proud that I have recently been ranked in the leading international lawyer directory, Chambers Global 2012, as one of the top practitioners in three fields: i) Private Client: Contentious Trusts, ii) Dispute Resolution and iii) Private Client.

Congratulations! And you received quite a welcome when you returned to the UK, with respect to your father's legacy?

It was all a bit unreal to be frank. My father, Denys Holland, died in 1984, when I was 14 years of age, while he was traveling in Greece with my mother. It always weighed on me that I never knew him when I was an adult. Every young child idolizes their father but, probably because of his death, I never stopped. However, I had no idea until very recently how many other people idolized him as well.

Shortly before we arrived in London, I received a call from Sally Thomas who was writing a book about my father. She asked if I would speak with her and whether I could provide her any photographs or documents about my father's life.

Sally then put me in touch with Dame Hazel Genn, who is the current Dean of the Faculty of Law at University College London. Hazel advised me that not only was a book being written about my father, but they were opening a lecture hall in his name. Now that they had some of our family photos, a portrait contest had been launched. Two of my dad's oldest and dearest friends, Vincent and Christine Cheung, were very generous in their support of the projects and instrumental in having my father honoured.

In February of last year, only three months after I arrived, the Denys Holland Lecture Theatre at University College London was opened by The Princess Royal, Princess Anne, Sally Thomas' book, *A Law Unto Himself: The Life and Times of Professor Denys Holland*, was launched and a winner of the Denys Holland portrait contest declared.

Hazel gave me several copies of the book for my children, who will never have the opportunity to meet their grandfather, and I purchased one of the losing entries in the portrait contest. Since then I have attended the annual Denys Holland dinner and met with the current recipients of the Denys Holland scholarship which provides £9,300 per year to two students who would not otherwise be able to attend UCL.

My father died nearly 30 years ago when I was still a child. I loved him very much. But I had no idea how many other people he had touched and who loved him until I was over 40 years old. At the dinner following the opening of the

lecture theatre, I gave a speech to thank everyone and to express how grateful the family was to all of them for honouring our father in these various ways. I am told there was not a dry eye in the house. What is worse, I was trying to be funny!

What a wonderful honour to your father's memory. I imagine that family is your primary focus outside of work?

Yes, right now, with two little boys, family matters are all-consuming. But not without a substantial amount of fun! But yes, spending time with my family eats up whatever spare time I have.

My job is incredibly social and I derive tremendous satisfaction from that. Half of my job is devoted to international client development, so that takes up a very good portion of my time. When my wife complains that I am out living my dream while she is stuck at home with the kids, I don't really have an answer. Which means my spare time is spent babysitting – er, sorry, *parenting*.

You mentioned earlier that returning to Ontario from BC was an effort to be closer to your family—now that you're back in the UK, do you manage keep in touch with your family in Canada?

It's amazing, actually! Technologies like Skype and Facebook have made such a huge difference for us. With Skype we can see each other in real time fairly often. When you travel and stay with one another it is a very intense time together. In truth, we've spent far more time with our families than we ever would had we been living in Toronto. It's a small world after all! Sorry, my kids love Disney World!

Contact information: Nick welcomes the opportunity to connect with other WeirFoulds alumni. You can reach him at NicholasHolland@bdb-law.co.uk.

Time to renew friendships and build new ones!

WeirFoulds' identity has been and continues to be shaped by the relationships created and developed here. Our alumni are a significant part of our identity and our future. Please keep in touch!

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