



HOLDEN & CARR

OKLAHOMA • TEXAS • MISSOURI • ARKANSAS • KANSAS

Holden & Carr is a progressive litigation firm comprised of experienced members with diverse backgrounds. As aggressive trial lawyers, our first step is litigation resolution but when reasonable resolution fails, our second step is to make our opponent regret letting the matter move beyond the first step.

With regional offices in Tulsa, Oklahoma City and Dallas, and licensed to practice in Oklahoma, Texas, Missouri, Arkansas and Kansas, the Firm believes that the legal profession is a service-oriented business and succeeds by providing prompt, responsive, professional and competent representation.

Too often clients feel separated from their cases. This can directly affect their professional reputations, financial resources and even the well being of their families. As such, our Firm consistently achieves two goals: obtaining the best and most cost-effective result for the client, and keeping the client informed at every stage of the process. Above all we are trial lawyers. We occupy not only the world of thought, but the world of action.

AREAS OF LITIGATION PRACTICE

- *Excess Litigation*
- *Bad Faith*
- *Medical Device*
- *Products Liability*
- *Errors And Omissions*
- *Employment*
- *Insurance Coverage*
- *Transportation*
- *Commercial Litigation*
- *Coverage*
- *Financial Litigation*
- *Directors & Officers*
- *Mass Tort Litigation*
- *Medical Malpractice*
- *Premises Liability*
- *Personal Injury*
- *Nursing Homes*
- *Toxic Torts*
- *Environmental*
- *General Casualty*
- *Appellate Practice*



NOTABLE FIRM ACCOMPLISHMENTS

- *Tried over 350 jury trials in Texas and Oklahoma*
- *Handled over 125 appeals in state/federal courts and The United States Supreme Court*
- *“AV” rating from Martindale-Hubbell*
- *97% of civil cases concluded successfully*
- *CALI Award for Excellence in Professional Responsibility*
- *Firm Bar Memberships:
Texas, Oklahoma, Missouri, Arkansas, West Virginia, Michigan,
Chickasaw Nation, United States Supreme Court, U.S. Court of
Appeals Tenth Circuit, U.S. Court
of Appeals Fourth Circuit.*

REPRESENTATIVE CLIENTS

- *ACE Excess*
- *ACE Medical Risk*
- *ACE USA*
- *Alternative Services Concepts*
- *American Equity Insurance Company*
- *American Physicians Insurance Company*
- *Arch Insurance Group*
- *AXA Assurances*
- *Cancer Treatment Centers of America*
- *Chartis Insurance (Formerly AIG)*
- *Chubb Group*
- *Church Mutual Insurance Company*
- *CNA Financial Corp*
- *Continental Western Insurance Company*
- *Correctional Healthcare Management*
- *Crawford & Company*
- *E&O Professionals*
- *Fireman's Fund*
- *First Mercury Insurance Company*
- *Ironshore®*
- *K & K Insurance Group, Inc.*
- *Lexington Insurance Company*
- *Liberty International Underwriters*
- *Medical Excess*

REPRESENTATIVE CLIENTS

- *The Medical Protective Company*
- *The Sherwin-Williams Company*
- *Mercury Insurance Company*
- *Swiss Re*
- *Nationwide®*
- *Travelers Insurance Company*
- *Oklahoma Surgical Hospital*
- *USA Drug (May's, Med-X, Drug Warehouse & Drug Mart)*
- *O'Reilly Automotive, Inc.*
- *Zurich Insurance*
- *Preferred Physicians*
- *Walgreens*
- *Reliance National Insurance Company*
- *Scottsdale Insurance Company*



LITIGATION

Experienced Attorneys

Holden & Carr's Litigation Department is one of the most capable and experienced in the Mid and Southwest. We provide aggressive representation in civil disputes of all kinds and are licensed to practice before the U.S. Supreme Court, plus multiple state and federal courts of appeals. Many of our trial attorneys are members of organizations dedicated to maintaining the highest standards of litigation practice, such as the Defense Research Institute and the Federation of Defense and Corporate Counsel.

We Listen

First we listen. We hear your different business and legal objectives and strive to gain a complete understanding of your goals. We then provide creative solutions and sound advice in response to sophisticated and complex litigation problems. If needed, we create client service teams by marshalling the best talent, knowledge and experience from across the Firm. Such collaboration is imperative to the success of a complex case.

Complex Cases

Holden & Carr lawyers are experienced in complex litigation. We assemble teams tailored to the specific complexity of a case and utilize the attorney's skills in conjunction with the latest technology. This solution achieves efficiency and ultimately, the most important factor, delivers results in the courtroom. Few firms in the country can take over the defense of a vegetative plaintiff case just three weeks before trial and totally alter the course of the \$15M to \$31M exposure. Holden & Carr can not only do it, but they enjoy the challenge to test their metal and their Firm.

Cost Effective Planning

Complex litigation is expensive. Some situations are appropriately characterized as "millions for defense, preeminent importance." Our collective experience is such that on many issues only limited research is required because we have been there, on that exact issue, many times. Assessing the right approach is a collaborative effort at Holden & Carr. We recognize that, after all, it's the client's business and the client's money that are at stake.

PRACTICE ·

APPELLATE PRACTICE

Holden & Carr has a team of attorneys that concentrates on appeals in both state and federal courts, either through interlocutory pretrial appeals, writs of prohibition and mandamus or appeals following trials in the district court. Our appellate attorneys have prepared briefs, presented oral arguments, represented clients and generally handled appellate work in area state courts of appeal, Circuit Courts of Appeal and the U. S. Supreme Court.

“Opposing lawyers know that when we are on the case they should settle early, if possible, because the best dollars they will see are passing and a battle they won’t soon forget is looming.”

BAD FAITH

The Firm defends many prominent, established insurance carriers in a wide range of coverage areas, including property & casualty, commercial, financial lines, employment practices, life insurance, E&O, D&O and automotive claims. We have extensive background and experience in the following:

- Defending insurance carriers and their officers through trial and appeal in all manner of first party claims, such as breach of contract, bad faith, abuse-of-process and other high-stakes litigation involving insurers.
- Providing other counseling services to help insurers avoid litigation and minimize bad-faith exposure while also running an efficient and fair claim-handling operation.
- Providing bad faith seminars to educate Claims personnel in an effort to preemptively cause consideration of claims handling practices and procedures to avoid the pitfalls of bad faith litigation.



· A R E A S O F

CONSTRUCTION

Our attorneys have handled construction negligence litigation involving general contractors, subcontractors, public utility contractors, architects, engineers, project and building owners and insurers in complex, multi-party construction defect and construction negligence lawsuits. These include: wrongful death and personal injury claims, worksite injury claims, property damage and fire claims, crane accidents, machinery defects, building and structural defects and public utility negligence. We have the expertise to aggressively and efficiently defend our construction clients.

“It’s not a question of ‘do you fit us,’ but do you fit with our aggressive style of managing risk. Our mantra is ‘No Surprises’ because our clients are all about managing risk.”

COVERAGE

Holden & Carr is often called upon to provide coverage opinions to clients and insurance companies on complex matters ranging from property damage claims to additional insureds and contractual liability. Our coverage attorneys understand the issues carriers and clients face in making coverage determinations. We have the knowledge, skill and attention to detail required to advise our clients concerning their obligations under the policy and the application of state and federal law. We provide comprehensive and legally sound advice that carriers rely upon when making decisions that affect their policyholders the most.



P R A C T I C E ·

DIRECTORS AND OFFICERS/ CORPORATE LITIGATION

In today's climate, Directors and Officers are often the first to be sued in the litigation process. Holden & Carr has long been considered very adept at handling policies, manuscripts and treaties related to such litigation. In addition, we have vast experience in assisting the client to evaluate and manage exposures. Our training and experience make us well suited to protect our clients' assets and, more importantly, their good name.

ENVIRONMENTAL AND TOXIC TORT

Holden & Carr has worked with a variety of commercial enterprises that are affected by local, state and federal environmental regulations including the transportation, production and storage of hazardous materials. Our attorneys' cases on environmental and toxic tort claims usually encompass multiple parties, as well as regulatory programs including: hazardous materials, groundwater contamination, EPA compliance, mold, asbestos, pollution, Botox and clean-up.

“We recognize after all it is the client's business and the client's money that are at stake.”

Increasing regulation of the environmental industry at both the state and federal levels has created additional and costly burdens on commercial industry, governmental operations and agriculture. Clients rely on our experience, expertise and knowledge of the applicable laws, regulations and courtroom precedent to provide them with an efficient and thorough defense in these increasingly complicated matters.

ERISA

Our attorneys have worked on behalf of corporate clients and the defense side on claims arising under the Employee Retirement Income Security Act of 1974 (ERISA), which governs employee benefit plans that define, by statute, both employee welfare and pension benefit plans. ERISA is an extremely complex and lengthy piece of federal legislation. Our team has handled a variety of ERISA cases from those involving simple claims against a single defendant for wrongful denial of group health and pension benefits, to those involving numerous claims against multiple defendants for statutory violations of ERISA's COBRA notice provisions.

“Holden & Carr recently resolved a proven and covered \$190M exposure for \$1M. If you have better lawyers – you better stick with them.”

EXCESS LITIGATION

Excess litigation requires a qualified firm that has the available manpower to take on, for example, a \$30 million exposure case and go to trial as lead attorneys in three weeks or less. Due to the quantity of Excess work we do, we plan ahead in our hiring and training to ensure we have the necessary capacity available for the eleventh hour Excess call. Holden & Carr has adapted all of its case file handling and procedures to operate as if each file were an Excess case. Opposing attorneys have learned that the best defense possible is quickly being amassed in our offices and, as a result, our trial lawyers often settle the case for less than defendant's previous offers.



P R A C T I C E ·

INSURANCE AND REINSURANCE

Holden & Carr lawyers have extensive experience in high-stakes litigation involving a vast array of insurance products, including general liability, first party property, professional liability, directors and officers and reinsurance claims. We also regularly provide counseling and advice to carriers regarding a broad spectrum of coverage and reinsurance disputes. Our Firm has represented insurers in large, complex declaratory judgment actions and bad faith litigation. We provide the highest quality representation to our insurance clients in a cost-efficient manner. Holden & Carr works closely with insurers to develop goals and strategies on each case and to ensure that cases are staffed appropriately.

LABOR AND EMPLOYMENT

Our aim is to avoid litigation through working with our clients to ensure their compliance with employment-related laws and regulations such as Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act, Family and Medical Leave Act, Equal Pay Act of 1963, Work Adjustment and Retraining Notification Act, Drug Free Workplace Act of 1988 and the Fair Labor Standards Act, as well as numerous state fair employment practice areas.

“Our aim is to avoid litigation through working with our clients to ensure their compliance with industry legal requirements.”

We provide workplace training in union avoidance, workplace harassment prevention, Family Medical Leave Act (FMLA) management, drug-free workplace and more. Holden & Carr’s labor and employment attorneys are committed to counseling with, and providing representation for, our clients regarding their most valuable assets — their employees.

MEDICAL MALPRACTICE

Holden & Carr has provided representation to medical professionals, hospitals, medical practice groups, nurses, nursing homes, osteopaths, dentists, physical therapists, hospitals, ambulatory surgery centers and chiropractors since the inception of the Firm. With more than 50 aggregate years in medical malpractice litigation, we provide experienced and zealous representation to our clients in this arena. Additionally, our attorneys represent both doctors and nurses before the applicable licensure boards in regional states, and advise our clients about the regulations and statutes governing their increasingly complicated practice. We have the experience and resources to thoroughly investigate any claim against medical professionals and prepare a strong, effective case in our client's favor.

*“We hear your unique business and legal needs,
and strive to gain a complete understanding of your objectives.”*

PRODUCTS LIABILITY

Our products liability and toxic tort case experience includes defending companies in lawsuits alleging defective design and manufacture of products – such as motor vehicles, orthopedic devices, household appliances, heavy machinery, pharmaceuticals, equipment for oil well drilling, pipeline, paper product milling equipment and riding lawnmowers. Such claims may arise out of design, manufacturing, packaging and labeling; as well as engineering defects and allegations of ‘failure to warn.’ Our depth of experience in defending products liability claims enables us to identify dangerous cases and conclude them on terms most advantageous for our clients.

Consistent with the Firm's commitment to helping clients prevent problems before they occur, we conduct liability audits and reviews to identify and control potential weaknesses in production, manufacturing and quality control procedures. We have successfully represented clients in state and federal courts.

P R A C T I C E ·

PROFESSIONAL LIABILITY/ ERRORS & OMISSIONS

We regularly defend the professional community of lawyers, accountants, brokers and other professionals in a wide array of litigation including: legal malpractice, accounting malpractice, breach of fiduciary duty, conflict of interest, securities fraud and legal ethics involving lawyers and insurance agents. In addition, we represent professional liability insurers in coverage litigation, arbitration and Alternative Dispute Resolution proceedings, as well as provide general counseling and advice. Professional liability litigation is a high-stakes affair, often involving both large damages claims and threat of significant reputational harm. We constantly seek alternatives to expensive, protracted litigation and encourage arbitration and mediation in all appropriate cases. Litigation, when necessary, is handled by a group of attorneys, paralegals, and staff with extensive experience in professional liability issues.

TRANSPORTATION

Holden & Carr's transportation experience encompasses all modes: motor carrier, railroad, air, maritime and automotive. Our diverse and comprehensive transportation practice is based on a thorough understanding of the complex and ever changing regulatory structure which governs the operation of the transportation industry. Our professionals, skilled in many areas of the law that affect the transportation industry, work closely not only with transportation providers and consumers, such as manufacturers and distributors, but also transportation intermediaries. With multiple regional offices in the Mid and Southwest, Holden & Carr is uniquely suited to serve as regional and national counsel to our transportation clients. Our attorneys regularly participate in transportation conferences and associations in order to stay abreast of the legal and technical issues affecting the transportation industry

"...as one client said, you're the real deal."



STEVEN E. HOLDEN

Mr. Holden has achieved an “AV” rating from Martindale-Hubbell, the highest rating awarded in terms of skill, integrity and ethics. He has tried over 245 jury trials with in excess of 90% of his civil cases concluding successfully. Upon graduation from law school, Mr. Holden did a two-year “tour” in the public defender’s office where the cases were tough, fast paced and unpredictable.

He has been a trial attorney in Tulsa for the last 29 years. Mr. Holden has lectured locally, nationally and internationally and was a featured speaker in a nationwide teleconference seminar, which addressed risk management and evaluation.

He was also a featured speaker in a nationally broadcast seminar, recently conducted by direct satellite link. The seminar taught evaluation of the critical factors that stem the tide of multi-million dollar plaintiff verdicts that are occurring throughout the country.

Bar Admissions: Texas, Oklahoma, Missouri, Arkansas; U.S. Court of Appeals Tenth Circuit; U.S. District Courts for the Northern, Eastern and Western Districts of Oklahoma; U.S. District Courts for the Northern and Southern Districts of Texas; Chickasaw Nation Bar and the U.S. Supreme Court.

Education: University of Tulsa College of Law, Tulsa, Okla.; Juris Doctor, 1981; Southwest Missouri State University, Springfield, Mo., Bachelor of Science, 1977.

Classes/Seminars Taught: Speaker, “Death, Carnage and the Pursuit of Happiness,” Chief Litigation Summit, Masterclass; Speaker, “How to Defend the High Profile/High Exposure Medical Malpractice Case,” CNA - Toronto, Canada. Speaker, “Dorough v. Bell Avenue Nursing Home: How to Evaluate and Try the Tough Nursing Home Cases,” AIG Technical Services; Featured Speaker, “Turning the Tide on Nursing Home Litigation,” AIG; Speaker, “Top Guns Face Off: Trying an Auto Accident Case,” Oklahoma Bar Association; Speaker, “Uninsured/Underinsured Motorist Coverage and Oklahoma Bad Faith Insurance Law,” GEICO; Speaker, “Evaluation of Medical Malpractice Litigation,” AIG; Speaker, “Litigating a Dram Shop Liability Case,” St. Paul Travelers; Speaker, “Litigating a Dram Shop Liability Case,” Swiss Re, Kansas City.

Professional Associations and Memberships: American Bar Associations; Sections on Tort & Insurance Practice Law, Litigation Member; Oklahoma Association of Defense Counsel, Federation of Defense and Corporate Counsel (FDCC), Defense Research Institute (DRI), Missouri Bar Association, Dallas Bar Association.



MICHAEL L. CARR

Mr. Carr frequently lectures to a variety of groups of lawyers and business managers regarding a wide scope of employment law issues. He has published articles in national and local publications covering topics involving civil wiretapping actions in Federal Court and drug testing under Oklahoma State Law. He has a broad civil practice with an emphasis on litigation defense and employment litigation. His practice is divided between jury trials, insurance coverage disputes and appellate matters.

He has presented oral arguments in many appellate matters in both the Oklahoma Supreme Court and in the Tenth Circuit Court of Appeals in Denver, Colo.

Areas of Practice: Litigation Defense, Insurance Bad Faith, Medical Malpractice, Employment Litigation, Nursing Home Liability, Automobile Liability (First and Third Party Claims), Personal Injury, Civil Practice, Environmental, Financial Transactions.

Bar Admissions: Texas, Oklahoma, Arkansas; U.S. District Courts for the Northern, Western and Eastern Districts of Oklahoma; U.S. Court of Appeals Tenth Circuit; U.S. District Court Southern District of Texas; U. S. Supreme Court; Muskogee Creek Nation Tribal Court.

Education: University of Oklahoma College of Law, Norman, Oklahoma, Juris Doctor; Honors: With Distinction, University of Oklahoma, 1996, Major: Political Science, Minor-History.

Classes/Seminars Taught: Speaker, "State and Federal Personnel Laws in Oklahoma"; Lorman Education Services; Speaker, "Employment Law from A to Z"; Lorman Education Services; Featured Speaker, "Uninsured/Underinsured Motorist Coverage and Oklahoma Bad Faith Insurance Law," GEICO Speaker, "Evaluation of Medical Malpractice Litigation," AIG; Speaker, "Evaluation of Medical Malpractice Litigation," Zurich; Speaker, "Evaluation of Medical Malpractice Litigation," American Physicians Insurance Company; Speaker, "Litigating a Dram Shop Liability Case," St. Paul Travelers; Speaker, "Litigating a Dram Shop Liability Case," AIG, New York; Speaker, "Litigating a Dram Shop Liability Case," AIG, Kansas City; Speaker, "Litigating a Dram Shop Liability Case," Swiss Re, Kansas City; Speaker, "Litigating a Dram Shop Liability Case," Zurich; Speaker, "Litigating a Dram Shop Liability Case," American Physicians Insurance Company.

Professional Associations and Memberships: Tulsa County, Oklahoma, Arkansas Texas, Dallas Bar Associations, Defense Research Institute.

Published opinions: Clinton v State ex rel, Logan County Election Board, 29 P.3d, 543 (Okla. 2001); Whittenberg v Werner Enterprises, et al., 561. P.3d 1122, 1130-31 (Tenth Cir. 2009)