

JAMES W. BORKOWSKI, ESQ.

Hearing Officer, New York County

James Borkowski, Esq. has more than 35 years of experience as a trial attorney and Neutral with a distinguished background handling complex, high-exposure civil litigation. Over the course of his career, he has tried more than 100 jury trials and has developed a reputation for effectively resolving catastrophic injury matters arising from construction accidents, premises liability, and motor vehicle incidents, including cases involving wrongful death, traumatic brain injuries, and severe permanent disabilities. Mr. Borkowski has particular expertise mediating New York State Labor Law 240 construction accident claims with complex insurance coverage issues, such as priority of coverage, horizontal exhaustion, vertical exhaustion, and contribution/indemnification.

In addition to his extensive personal injury practice, Mr. Borkowski has significant experience in commercial litigation, including high-value breach of contract disputes. He has successfully litigated and tried complex commercial matters, including securing a $12 million jury verdict in a breach of contract case against a municipality. His broad litigation background also includes insurance and other civil disputes, giving him a comprehensive understanding of risk assessment, damages evaluation, and litigation strategy.

Mr. Borkowski has the remarkable skill to get to the heart of the matter. He takes a direct, efficient approach to mediation, avoiding the typical mediation “ping-pong,” which frequently begins with high demands versus lowball offers, followed by protracted, small incremental bidding. By establishing trust early, he meets privately with each party to understand their true settlement objectives, allowing him to quickly frame negotiations and move the matter toward resolution. As he notes, “the secret sauce to successful mediation is trust combined with effective communication.” Even when a case does not resolve immediately, Mr. Borkowski remains engaged, continuing to work with the parties to achieve a final settlement.

Having represented both plaintiffs and defendants throughout his career, Mr. Borkowski brings a balanced and informed perspective to every matter. His ability to evaluate cases from all sides has made him a respected and frequently selected neutral, including by former adversaries who trust his judgment and approach.

Prior to joining NAM, Mr. Borkowski served for more than a decade as a Town Justice in one of New York’s busiest courts, where he presided over jury and non-jury trials and facilitated the resolution of numerous civil and commercial disputes. Earlier in his career, he served as an Assistant District Attorney, gaining significant trial experience, and later practiced in both public and private sectors handling complex litigation matters, including large-scale investigations and high-profile cases.

In 2026, Mr. Borkowski was voted the #1 Mediator in the New York Law Journal "Best Of" survey and a Top Ten Arbitrator for the seventh year in a row, and he was inducted into the survey's Hall of Fame. He also holds an AV Distinguished rating from Martindale-Hubbell, reflecting the highest standards of legal ability and ethics.

Mr. Borkowski is available to arbitrate and mediate cases throughout the New York Metro area.

AREAS of EXPERIENCE

- Business/Corporate/Partnership
- Commercial
- Construction
- Governmental/Public Agency
- Personal Injury
  - Auto
  - Construction
  - General
  - Premises
  - Product Liability
- Negligence/Torts

LECTURES and PUBLICATIONS

- Co-Presenter, *From Conflict to Resolution: Ethical Strategies for Successful Mediation,* presented through the NYS Academy of Trial Lawyers, 2025
- Co-Presenter, *Excelling at Labor Law 240 and 241(6) Mediations,* webinar presented through the New York State Trial Lawyers Association, 2025
- Co-Presenter, *Inside the Mind of the Mediator: Avoiding Impasse and Maximizing Outcomes in Mediation,* webinar presented as part of the Bridge the-Gap program to the New York City Bar Association, 2025
- Speaker, *High Stakes: Effectively Mediating Labor Law 240 Cases In New York*, presented to Lawline, 2024
- Speaker, *High Stakes: Effectively Mediating Labor Law 240 Cases In New York*, presented to Gartner + Bloom, 2024
- Co-Presenter, *High Stakes: Effectively Mediating Labor Law 240 Cases In New York,* webinar presented through the New York State Academy of Trial Lawyers, 2024
- Co-Presenter, *Inside the Mind of the Mediator: Avoiding Impasse and Maximizing Outcomes in Mediation,* webinar presented as part of the Bridge the-Gap program to the New York City Bar Association, 2024
- Author, *Elevating Your ADR Game – Useful Insights and Perspectives* (Part 4), focused on the book, "Ambassador for Peace – How Theodore Roosevelt Won the Nobel Peace Prize," New York Law Journal, 2023
- Co-Presenter, *Your Side, Your Story: The Advantage of Being Heard at Mediation*, webinar presented as part of the Celesq AttorneysED Center in partnership with Thomas Reuters, 2023
- Co-Presenter, *Inside the Mind of the Mediator: Avoiding Impasse and Maximizing Outcomes in Mediation,* webinar presented as part of the Bridge the-Gap program to the New York City Bar Association, 2023
- Author, *Elevating Your ADR Game – Useful Insights and Perspectives (Part 3)*, NYLJ column, focused on the book, "Mastering Mediation: 50 Essential Tools for the Advanced Practitioner," New York Law Journal, 2022
- Author, *Elevating Your ADR Game – Useful Insights and Perspectives (Part 2)*, NYLJ column, focused on the book, "High Conflict - Why We Get Trapped and How We Get Out," New York Law Journal, 2022
- Speaker, *Navigating the New Normal for Alternative Dispute Resolution for Insurance Claims*, presented to Atlanta CPCU I-Day, 2022
- Panel Member, *What Happens in the Breakout Room, The Secrets of Multi-Party Defendant Labor Law Mediations*, webinar presented to New York State Academy of Trial Lawyers, 2022
- Co-presenter, *Putting Your Best Proof Forward: Arbitration and Mediation Submissions*, webinar presented to New York State Academy of Trial Lawyers, 2022
- Panel Member, *Inside the Mind of the Mediator: Avoiding Impasse and Maximizing Outcomes in Mediation*, New York City Bar, Bridge-the-Gap webinar, 2022
- Author, *Elevating Your ADR Game – Useful Insights and Perspectives (Part 1)*, NYLJ column, focusing on the book, "Never Split the Difference: Negotiating as if Your Life Depended on It," New York Law Journal, 2021
- Panel Member, *Navigating the Best Practices of Mediation in the Remote World*, DRI 2021 Annual Meeting

- Panel Member, Successful Mediation: Moving from Gridlock to Settlement, webinar presented to New York State Academy of Trial Lawyers, 2021
- Panelist, *Webinar: Inside the Mind of a Mediator – Avoiding Impasse and Maximizing Outcomes in Mediation*, presented as part of the Bridge-the-Gap program to the New York City Bar, 2021
- Panel Member, *The Means and Methods of Resolving Coverage Disputes in Mediation*, webinar presented to the New York State Academy of Trial Lawyers, 2020
- Speaker, *Webinar: Tips and Techniques for Ensuring Impactful and Successful Virtual Mediations*, presented to United Educators, 2020
- Speaker, *Webinar: The Benefits of Early Mediation: The Path Least Taken Requires Commitment*, Law.com, 2020
- Author, *Video Mediations: The Future of Alternative Dispute Resolution*, New York Law Journal, 2020
- Panel Member, *Inside the Mind of a Mediator: Avoiding Impasse and Maximizing Outcomes in Mediations*, presented to the New York City Bar, 2020
- Speaker, The Benefits of Early Mediation - The Path Least Taken Requires Commitment, webinar presented to Law.com, 2019
- Certified Criminal Justice Instructor, Westchester County Police Academy

HONORS and AWARDS

- New York Law Journal "Best Of" survey, Hall of Fame, 2026
- New York Law Journal "Best Of" survey, Winner - Best Individual Mediator Category, 2026
- New York Law Journal "Best Of" survey, Top Ten - Best Individual Arbitrator Category, 2020 - 2026
- "AV-Distinguished" rating, Martindale-Hubbell

LEGAL EXPERIENCE

- Of Counsel, Keane & Beane, P.C., 2003 - Present
- Town Justice, Town of Southeast, 1998 - 2009
- Of Counsel, Bleakley Platt & Schmidt, Litigation Department, 1998 - 2003
- Partner, Stephens Hogan Rossi & Borkowski, 1994 - 1998
- Associate, Windels, Marx, Davies & Ives, Litigation Department, 1989 - 1994
- Assistant District Attorney, Nassau County, 1987 - 1989

PROFESSIONAL LICENSES and ADMISSIONS

- New York State Bar
- United States Court of Appeals, Second Circuit
- United States Supreme Court
- United States District Court, Northern District of New York
- United States District Court, Eastern District of New York
- United States District Court, Southern District of New York

PROFESSIONAL AFFILIATIONS and ASSOCIATIONS

- Member, New York State Bar Association
- Member, New York State Magistrates Association
- Past President, Putnam County Magistrates Association
- Participant, The Hudson River Swim for Life across the Hudson River

EDUCATION

- Boston University School of Law, J.D.
- State University of New York at Albany, B.A., *magna cum laude*
  - Phi Alpha Theta, History Honor Society