



JAMES W. BORKOWSKI, ESQ.

Hearing Officer, Westchester County

A trial attorney for over 35 years, Jim Borkowski is known as a personable straight shooter, with a high success rate resolving construction accident cases, premises liability cases, general liability, and automobile claims. He has successfully represented insurance carriers, corporations, and individuals in personal injury, Labor Law 240 construction cases, general liability, premises liability, property damage, automobile and commercial litigation (both plaintiff and defendant).

Mr. Borkowski's straightforward approach to mediation avoids the typical "ping pong" dynamic of stratospheric demands versus lowball offers. This is followed by small incremental back-and-forth negotiations. By establishing trust, he speaks privately with each side early on in the mediation and gains an understanding of each party's settlement goal. By getting to the heart of the matter, Mr. Borkowski is able to frame the negotiation and lead the case toward a resolution. He maintains, "successful mediation is gaining trust, that along with effective communication, gets results." In the event a case does not settle, Mr. Borkowski goes the extra mile, and maintains contact with the parties to continue negotiations and pursue a settlement.

Mr. Borkowski has deep experience mediating catastrophic injuries from construction accidents (death, disfigurement, amputation, paralysis, brain injury), municipal and private construction contract disputes (breach of contract by general contractor, railroad construction disputes), premises liability (shootings, trip and fall), automobile accidents (private automobiles, commercial vehicles, bus accidents, pedestrian knock-down).

As both a neutral, and in his private practice, Mr. Borkowski handles high-value contract disputes. He recently won a \$15 million dollar breach of contract jury trial against a Westchester County municipality.

With extensive experience representing both plaintiffs and defendants, Mr. Borkowski has the perspective to fairly analyze lawsuits from both sides and appreciates the concerns and goals of all involved. It is the highest form of compliment that many of his former adversaries, both plaintiffs and defendants, use him as a neutral at NAM.

- "Thank you for a great settlement day. We settled nine out of nine cases. You are the best of the best." - *Plaintiff Attorney*
- "It was a pleasure working with you. My client and I appreciated your hard work to get this case resolved." - *Plaintiff Attorney*
- "Jim was awesome. I didn't think the case could settle." - *Defense Attorney*
- "You are the best to work with." - *Insurance Company, Senior Claims Representative*

Mr. Borkowski tried over 100 jury trials in the New York Metro area. Recognizing the risk mitigation and cost savings for clients, he spent many years of his career negotiating settlements through private mediation.

In 2023, for the fourth year in a row, Mr. Borkowski was named a Top Ten Neutral by the *New York Law Journal*, "Best Of" survey. He earned an "AV Distinguished" rating from Martindale-Hubbell, a distinction given only to those who possess the "highest level of professional excellence in legal ability and legal ethics."

Prior to joining NAM, Mr. Borkowski served as a Town Justice in the Town of Southeast, one of the busiest Justice Courts in New York State. In that role, for 11 years (1998 – 2009), he presided over jury and non-jury trials and facilitated the settlement of hundreds of civil and commercial cases.

Mr. Borkowski began his career in 1987 as an Assistant District Attorney in the Nassau County District Attorney’s Office, where he litigated trials, pre-trial hearings, and presented cases before grand juries. Subsequently, in the early nineties, he was an associate for a prominent New York City law firm, where he was a member of a special litigation team investigating liability theories for the Lockerbie Air Disaster (Flight 103). He also served as an attorney for the New York City Housing Authority (NYCHA) for personal injury actions, and litigated commercial, insurance, and foreclosure matters for the firm.

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

AREAS of EXPERIENCE

- Automobile
- Commercial
- Construction
- General Liability
- Labor Law
- Litigation
- Municipal Law
- Negligence
- Premises Liability
- Product Liability
- Property Damage

LECTURES and PUBLICATIONS

- 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
- 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, *Webinar: Resolving Coverage Disputes in Mediation*, 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
- Certified Criminal Justice Instructor, Westchester County Police Academy

HONORS and AWARDS

- New York Law Journal "Best Of" survey, Top Ten - Best Individual Arbitrator Category, 2020-2023
- "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