



KENNETH J. BALKAN, ESQ.

Commercial Specialist

Kenneth J. Balkan, Esq. has been a mediator and arbitrator for the past 20 years. As a neutral and legal practitioner, he has handled a wide variety of matters including insurance coverage and disputes, complex business and partnership disputes, multi-party tort litigation, legal fee disputes and professional liability lawsuits.

Mr. Balkan was an early advocate of Alternative Dispute Resolution. He was appointed as an Early Neutral Evaluator by the United States District Court for the Eastern District of New York during the initial stages of its court-annexed ADR procedure where he mediated a variety of tort, commercial and contract disputes. He presently serves on the Mediation Panel in the United States District Courts for both the Southern and Eastern Districts of New York. He is also regularly appointed as sole or lead arbitrator on arbitration panels

for the 10th Judicial District of Nassau County, Part 137 Attorney/Client Fee Dispute Resolution Program, and was selected as a Court Appointed Referee in a complex corporate family dispute in which he addressed interim disputes while shepherding the parties through a satisfactory corporate sale.

Mr. Balkan has received high praise from counsel from both sides of the bar who have appeared before him at mediations and arbitrations. He has been described as “an extraordinary, capable mediator”, “his considerable experience in legal fee disputes was masterful in bringing parties to a settlement agreement”, “thorough and well-prepared”, “extremely fair and unbiased and was able to neutrally point out each party’s strong and weak points of their case.”

As both a litigator and mediator, Mr. Balkan has a wealth of experience handling, counseling, supervising, and mediating complex claims and lawsuits throughout the United States including matters involving commercial disputes, construction accidents, corporate management agreements, disability and life insurance claims, franchise acquisition, legal fee disputes, licensing issues, partnership disputes, professional liability and disciplinary proceedings, property damage, real estate and foreclosure issues, receivership claims, subrogation, surety bond indemnification, and wrongful termination of employment.

Mr. Balkan was a founding and managing partner of L’Abbate, Balkan, Colavita & Contini, L.L.P. and has been in the position of Counsel to the Firm since 1999. He has been awarded an AV Preeminent Peer Rating by Martindale-Hubbe, the highest rating available, and a distinction given only to those possessing the highest ethical standards and professional ability. Mr. Balkan has taught Lawyers’ Ethics as a Special Professor of Law as part of the Adjunct Faculty of the Hofstra University School of Law since 2008. In addition to having authored articles on professional liability, Mr. Balkan has lectured at the New York State Bar Association and Nassau County Bar Association on Ethics & Professionalism and Professional Liability. He also served as the former Chair of the Ethics Committee of the Bar Association of Nassau County.

Mr. Balkan has handled matters in all the counties and venues in the metropolitan area including New York, Kings, Queens, Bronx, Richmond, Nassau, Suffolk, Westchester, Rockland and Orange Counties, and is available to hear case throughout the N.Y. Metro area and elsewhere.

AREAS of EXPERIENCE

- Attorney Malpractice
- Business/Commercial/Corporate
- Employment
- Errors and Omissions
- Legal Ethics and Professionalism
- Family and Corporate Business Disputes
- Insurance
- Insurance Coverage Disputes
- Life / Health / Disability
- Negligence
- Partnership Law
- Professional Liability and Responsibility
- Torts

ALTERNATIVE DISPUTE RESOLUTION EXPERIENCE

- Arbitrator, 10th Judicial District Nassau County, Part 137 – Attorney/Client Dispute Resolution Program
- Mediator, United States District Courts for the Southern District and Eastern District of New York
- Former Chair (Executive Committee Member), Ethics Committee of the Bar Association of Nassau County, 2003-2004
- Arbitration Training Program for the 10th Judicial District in conjunction with the Board of Governors of the New York State Fee Dispute Resolution Program, 2003
- Advanced Mediator Training Program, Eastern District of New York, 2001
- Court Appointed Referee (Contested Lawsuits & Real Estate Foreclosure – Nassau County Supreme Court)
- Expert Witness (Legal Malpractice / Fees / Insurance) & Consultant to Parties and Law Firms
- Court Evaluator, New York Supreme Court, Counties of Nassau and Queens
- Former Arbitrator-Panel Member, New York State Public Employment Relations Board

LECTURES and PUBLICATIONS

- Adjunct Faculty, Special Professor of Law (Ethics) – Hofstra University School of Law, 2008 – Present
- Lecturer, New York Bar Association Program on *Ethics and Professionalism*, 2010, 2006, 2005, 2004, *Professional Liability*, 1981 and *Professionalism Liability and Malpractice Prevention*, 1980
- Lecturer, Bar Association of Nassau County, *Ethical Considerations in Client Representation*, 2007, *Ethics for Everyone*, 2007, *Bridge the Gap Seminar – Legal Ethics and Professionalism*, 2005, *Ethics – Because You Need it*, 2003, *You Bet Your License*, 2001
- Lecturer, *Legal Malpractice and Its Avoidance* presented to the Legal Ethics Courses for Professor Roy D. Simon, Hofstra University School of Law, 2003, 2002, 2001, 2000, 1999
- Lecturer, Continuing Legal Education Programs and Forum Evenings for New York Women’s Bar Association, 1981 and New York County Lawyers Association, 1980

- Lecturer, for programs sponsored by Professional Insurance Agents and Clients, *Insurance Agents & Brokers Errors & Omissions Liability, Insurance Company Liability and Bad Faith Exposure*
- Author, *Bad Faith Litigation in New York*, Law Firm Publication, 1995
- Author, *Legal Malpractice Overview*, INCL Journal, 1981
- Author, *Legal Malpractice and Professional Liability Insurance* (New York State Bar Journal, Vol. 52, October 1980, Vol. 52, November 1980, reprinted INCL Journal, June 1981)

HONORS and AWARDS

- AV Rating, Martindale, Hubbell Peer Review Ratings System
- Martindale-Hubbell, Bar Register of Preeminent Lawyers (General Practice/Insurance Defense Law)
- Selected for inclusion in the ALM publication of Legal Leaders 2015 Top Rated Lawyers
- Super Lawyer Designation 2015
- Super Lawyer Designation 2014
- Who's Who in American Law (1992 – Present)
- Best's Directory of Recommended Insurance Attorneys
- The Insurance Bar
- Hine's Insurance Counsel
- Markham's Negligence Counsel

LEGAL EXPERIENCE

- Former Fee Conciliator, Nassau County Bar Association
- Former Administrative Judge, Waterfront Commission of New York Harbor
- Counsel to the Firm, L'Abbate, Balkan, Colavita & Contini, L.L.P., 1999 – Present
- Founding and Managing Partner, L'Abbate, Balkan, Colavita & Contini, L.L.P., 1981 – 1998
- Partner, Wilson, Elser, Moskowitz, Edelman & Dicker, 1978 – 1981
- Associate, Kroll, Edelman, Elser & Wilson, 1972 – 1977

PROFESSIONAL LICENSES and ADMISSIONS

- Nassau County Bar Association
 - Ethics Committee (Former Chair/Vice Chair, 2001-2004, Conciliation Committee)
- New York State Bar Association
 - Insurance, Negligence and Compensation Law Section, Committee on Professional Liability, Trial Lawyers Section, Committee on Professional Discipline, 1993-1996
- American Bar Association
 - Tort and Insurance Practice Section, Law Practice Management Section, Litigation Section, ABA Center for Professional Responsibility
- Admitted to practice before the Courts of the State of New York 1973, the United States District Courts for the Southern and Eastern Districts of New York, 1974, the United States Court of Appeals for the Second Circuit, 1975, and the Supreme Court of the United States, 1978

- Association of Professional Responsibility Lawyers
- Defense Research Institute
- Professional Liability Underwriting Society

EDUCATION

- St. John's University School of Law, J.D., 1972
 - Member, St. John's Law Review, 1970-1971
- Farleigh Dickinson University, B.A., 1969