

**ALAN W. (WILLIE) BORST, JR.**

743 The Parkway  
Mamaroneck, NY 10543

(914) 261-9076

alanborst@optonline.net

[www.linkedin.com/pub/alan-borst/14/1a/59](http://www.linkedin.com/pub/alan-borst/14/1a/59)

---

**ATTORNEY-AT-LAW / MEDIATOR**

Versatile in-house counsel and senior manager with proven record of success in alternative dispute resolutions including arbitration, independent claim evaluation, conciliation and mediation. My relevant experience in private law practice and with in-house legal departments includes **Corporate Risk Management**- as a consultant to an alternative capital risk advisory firm I advised clients on federal securities compliance (10(b)5-1 trading plans), SEC and Department of Justice subpoena investigations, merger and acquisition transactions and Title VII employment discrimination claims. Provided claims advocacy advice for policyholders. **Reinsurance**- Chief account responsibility for global loss reserves, settlements and dispute resolution of high exposure corporate governance, securities class action, and breach of fiduciary duties claims under professional liability insurance. Achieved successful arbitration/mediation outcomes of disputed reinsurance coverage. **Professional liability insurance coverage**- Professional liability Director and Officer (including public company, private equity and non-profit), Employment Practices, Fiduciary Liability (ERISA), Errors and Omissions (insurance agent, architects/engineers, accountants, lawyers) and fidelity bond. Investigated and negotiated favorable settlements of dozens of Rule 10b-5 securities class actions before nationally recognized judges and mediators. Fluent in French.

**PROFESSIONAL EXPERIENCE**

**A.M. RICHARDSON, PC, OF COUNSEL**, New York, N.Y.

*Attorney-at-law / mediator (1/2014 to present)*

- Of counsel to A.M. Richardson, PC representing commercial and non-profit, private equity and retail lending company clients in litigation and corporate matters.
- Commercial arbitration and mediation of insurance and reinsurance disputes
- Founding member of mediation working group (eight practicing attorneys in private and court-sponsored mediation) doing business as Willie Borst ADR
- Professional writing and blog presentations, research and contribution to re/insurance industry publications on professional liability and cyber insurance

**CORPORATE RISK SOLUTIONS, LLC**, New York, NY ([www.crslimited.com](http://www.crslimited.com))

*Consultant (5/2013 – 12/2013)*

- Provided independent underwriting guidance and claims advocacy to public company, private equity and portfolio company clients. Analyzed global professional liability risks/ renewals of coverage for private equity and Fortune 500 clients, general partnerships and non-US funds with global operations.
- Provided benchmarking metrics of limits/ retentions and specific coverage term comparisons achieving reduced cost of risk and improved coverage terms for professional lines, Commercial Crime, General Partnership Liability, Investment Advisors (E&O), Tech E&O, cyber-risk coverage and Fiduciary.
- Mediated and reviewed coverage of business interruption claims resulting from Superstorm Sandy
- Negotiated coverage issues arising out of SEC investigation coverage, defense costs allocations in merger objection cases following M&A transactions and leveraged buy-outs. Negotiated allocation of defense costs, pre-claim investigation (SEC subpoena) coverage, insured capacity, and conduct exclusions.

**PROFESSIONAL EXPERIENCE (continued)**

**XL REINSURANCE AMERICA, INC., Stamford, CT (www.xlgroup.com) 2003 – 2012**  
***Vice President, Senior Account Manager***

- Managed professional liability claims and defense cost exposure of all primary and excess professional lines (public and private D&O, Fidelity Bond, Employment Practices, Lawyers Professional Liability and design professionals).
- Primary analytical skills: investigation, case analysis, reserving to exposure, defense costs, damages calculation and insurance/ reinsurance coverage issues.
- Mediated reinsurance proof of loss under aggregate media liability policy
- Audited claims operations, coverage litigation and senior management of major ceding company accounts. Evaluated claims operations and established ceding company ratings for litigation management, defense budgeting, overall operations, staffing, systems and reserving practices.
- Analyzed company-wide exposure to large losses, trends and “events” including financial lines exposure to subprime lending/credit crisis claims, WalMart Title VII class action, Deepwater Horizon, MF Global, Bernard Madoff, Enron, IPO laddering, and backdating of options claims.
- Represented XL Re’s pool participation in ENCON, an Ottawa, Canada-based professional liability MGA established by Marsh McLennan.

**AMERICAN INTERNATIONAL GROUP, New York, NY 1993 – 2003**  
***Director Complex Claims (Securities Class Actions and claims in excess of \$500k)***

- Managed and adjusted complex securities claims on public, private and nonprofit D&O policies. Handled all types of management liability and class action employment disputes. Pending case load included federal securities class actions under Rule 10b-5 of the Exchange Act, Section 11 of the Securities Act of 1933, Sherman Act anti-trust, bankruptcy, shareholder derivative actions, breach of fiduciary duty, and high profile Title VII violations.
- Mediated dozens of class action securities, corporate governance and employment claims to resolution both independently and with the assistance of monitoring counsel. (See attached redacted schedule).
- Maintained strong working relationships with securities defense attorneys, employment lawyers, mediators and damage experts. (References available on request.) Drafted AIG’s panel counsel guidelines for law firm reporting and billing practices.
- Provided in-house training and instruction to claims examiners and underwriters on negotiation/ advocacy skills and claims trends.

**SHEFT, WRIGHT AND SWEENEY, New York, NY 1989 – 1993**  
***Associate Attorney***

- Conducted claims audits of CIGNA-INAPRO and Continental Casualty bank D&O programs, including S&L crisis claims.
- Litigated Declaratory Judgment actions on Superfund environmental coverages for AIG and arbitrated reinsurance disputes for participating Lloyds syndicates on Excess of Loss reinsurance treaties.
- Evaluated exposure to Lloyd’s syndicates and AIG member companies on product liability and comprehensive general liability coverage including the Lone Star Steel litigation.

**PHILLIPS, NIZER, BENJAMIN, KRIM & BALLON, New York, NY 1986 – 1989**

## PROFESSIONAL EXPERIENCE (continued)

### *Associate Attorney*

- All phases of commercial litigation including long term petrochemical contract (Dow v. Occidental Chemical), commercial lending, concession and franchise agreements.

**LANE & MITTENDORF**, New York, NY

**1982 – 1986**

### *Associate Attorney*

- Life and disability declaratory judgment litigation and appeals, including pre-trial motion practice, discovery and trials.
- Co-authored winning brief in Bravato v Berkshire Life (disability from insured's "occupation") New York Court of Appeals

## EDUCATION

J.D., University of Maryland School of Law, Baltimore, MD  
Executive Editor, *The International Trade Law Journal*

B.A., Political Science and French Literature with Honors, University of Michigan, Ann Arbor, MI

*L'Institut d'Etudes Politiques*, Paris, France

Philips Exeter Academy, Exeter, NH

## PROFESSIONAL DESIGNATIONS/TRAINING

Bar Admissions: New York and Federal (NY Reg # 1952605)  
Member, New York City Bar Association ([www.NYCBAR.org](http://www.NYCBAR.org))  
Connecticut Casualty Adjusters license (CT Reg #1035960)  
Associate in Reinsurance (ARE) - Insurance Institute of America  
Professional Liability Underwriting Society ([www.PLUS.org](http://www.PLUS.org))  
Advanced Commercial Mediator, City Bar Center for CLE

## PUBLICATIONS/RESEARCH/TRAINING

"Private Equity Firms Exposed to Portco Pension Underfunding?" *Sun Capital v NE Teamsters*, No.12-2312, 2013WL3814984 (1<sup>st</sup> Cir. July 24, 2013) Corporate Risk Solutions LLC. Sept. 11, 2013.

"Guest Post: Protecting Aunt Sally: When Hackee becomes Hacker-in-Pursuit" The D&O Diary, published by Kevin M. LaCroix, July 3, 2004. [www.dandodiary.com/2014/07/articles](http://www.dandodiary.com/2014/07/articles)

Continuing Legal Education –10<sup>th</sup> Annual Institute on taxation of Mergers and Acquisitions (4/25-26, 2013), and Private Equity Structuring (10/3/2013), and Basic Mediation Training, Conflict Resolution Theory and Techniques (February 5,6,12,13, 2014), Advanced Commercial Mediation training (March 3, 10 & 11, 2014) New York City Bar Center for CLE;