Committed to a principled approach  
Grounded in thorough preparation  
With respect for the process

Born out of the belief that resolution of complex disputes is about more than the end result, James Barkley is committed to a principled approach to mediation.

James W. Barkley is a seasoned and widely respected lawyer who has represented clients in the insurance, construction, and product manufacturing industries for nearly three decades. He is uniquely positioned as a mediator to draw from both his substantial subject matter expertise and his role as a conscientious advocate. Over the course of his career, James has demonstrated a remarkable ability to solve challenging and high-risk problems and find creative solutions that are not evident to others.
Over the past 25 years, James and I have worked together in a number of settings, and he is truly one of the finest attorneys I’ve had the privilege of working with. Recently, James helped us resolve a case that was very contentious; every issue was in dispute and I thought that a negotiated resolution would be impossible. But he was able to weave the conflicting positions, demands, and defenses into an acceptable tapestry. It wasn’t easy, but his dogged perseverance and gentlemanly conduct helped us find a resolution. His depth of knowledge sets him apart from other mediators; he takes the time to learn the facts and each party’s argument before he steps in. And although his well of knowledge is deep, he never talks down—but rather to—counsel and parties. He is quite gracious and accommodating. I can’t count the number of mediations I’ve been in, but without question, James is in the very top echelon of mediators.

I've been on both sides of cases with James and have been in multiple mediations with him over the past two decades. He has a great judicial temperament; he is able to understand the personalities of the parties and their attorneys; and he goes to great lengths to understand the facts of any particular case and how the law applies. In all mediations, you will reach an impasse, but when that happens, James never gets discouraged or lets parties get discouraged. He keeps the process alive, which is what the parties ultimately want. James has an extraordinary work ethic and is very creative in finding common ground and leading parties to a resolution. He works with each side to identify strengths and weaknesses, which lends him substantial credibility as a mediator.

I have been involved in three mediations with James, and in each case, he did a masterful job in very challenging, complex situations. James has the complete package of attributes that make for a great mediator: intelligence, great interpersonal skills, experience, diligence, patience, and integrity. He works hard up front and gets up to speed on complicated cases quickly in a way that many mediators do not; he really puts in the time and effort up front, laying a foundation for a successful mediation before the mediation session even begins. James is also exceptionally persistent and creative, proposing possible solutions that parties haven't previously considered. Above all, he embodies a level of personal integrity that leads the parties to a dispute to place their trust and confidence in him.
James W. Barkley
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Legal Experience

Morin & Barkley LLP
CHARLOTTESVILLE, VIRGINIA
January 1995 to present

McGuire, Woods, Battle & Boothe
CHARLOTTESVILLE, VIRGINIA
August 1993 to December 1994

Smith Helms Mulliss & Moore
GREENSBORO, NORTH CAROLINA
September 1989 to June 1993

Practice Areas

Principled mediation. Serves as a mediator in construction, insurance coverage, and other complex disputes.

Complex litigation. Extensive litigation, arbitration, and mediation experience in complex construction, insurance coverage and defense, title, commercial, and product and professional liability matters. Construction experience includes defects, catastrophic losses, delay, interference, extra work, mechanic’s lien, federal and state Prompt Payment Act and Miller Act claims, and claims involving payment and performance bonds. Insurance coverage experience includes first- and third-party policies involving standard and manuscript coverage forms and bad faith claims. Title insurance claims and coverage experience includes defense and prosecution of title or rights to property and representation of title insurers with respect to coverage obligations under their policies. Commercial and product liability claims experience includes high-exposure losses and claims in a wide variety of industries.

Strategic counseling and risk management. Represents corporate and institutional clients in the negotiation and preparation of critical contracts; evaluation and shaping of insurance programs; investigation of catastrophic losses and events; and management and mitigation of large exposure risks. Identifies solutions to clients’ most significant, high-stakes legal challenges.
Education

The George Washington University
WASHINGTON, D.C.
J.D., with honors, 1989
Member of the George Washington Journal of International Law and Economics

The University of North Carolina at Chapel Hill
CHAPEL HILL, NORTH CAROLINA
B.A., Spanish, 1986

La Universidad de Sevilla
SEVILLE, SPAIN
1984–1985

Licensure

Virginia — 1993
District of Columbia — 1992
North Carolina — 1989

Professional Organizations

Virginia State Bar
Construction Law and Public Contracts Section
Board of Governors, 2002–2008

Virginia Bar Association

The Charlottesville-Albemarle Bar Association
President, 2016–2017

Associated General Contractors of Virginia, Inc.
Legal Affairs Committee, 1999–2005

The Virginia Association of Defense Attorneys
Board of Directors, 2002–2005
Policy Coverage Section, Chair, 2001–2002

International Association of Defense Counsel

North Carolina State Bar

North Carolina Bar Association
Recognition

Best Lawyers in America, Insurance Law, 2008-2019
Virginia Super Lawyers, Construction Law, 2008-2019
Virginia Business, Legal Elite, Alternative Dispute Resolution, 2017-2019

Recent Presentations

“Getting the Most Out of Mediation: Preparation, Persuasion and Patience,” presented to the 40th Annual Construction and Public Contract Law Seminar, Charlottesville, Virginia (November 2019)


Guest Lecturer, Construction Law Seminar, University of Virginia School of Law, Charlottesville, Virginia (March 28, 2017; April 12, 2016; February 5, 2018; March 4, 2019)

“Risk Transfer in Constructions Contracts,” presented to the 37th Annual Construction and Public Contracts Law Seminar, Charlottesville, Virginia (November 2016)

“Insurance Coverage for Construction Projects,” presented to the Office of the Attorney General, Education Section Retreat, Blacksburg, Virginia (October 2014)


“Risk Management For Contractors: Construction Law Basics,” Boar’s Head Inn, Charlottesville, Virginia (February 22, 2013)


Recent Publications
