

Kersten Kortbawi

PARTNER

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Growing up working in a family-owned commercial marine business helped me develop skills that I call upon every day as a litigator. My background enables me to better understand how a dispute can affect my client's business or their personal life. The perspective gained from working in a business environment also strengthened my ability to present my client's position to adversaries and the court in familiar contexts that they can appreciate and understand.

Ms. Kortbawi is an experienced commercial litigator who represents plaintiffs and defendants in all forms of civil litigation at both the state and federal level. Her work encompasses all phases of civil litigation, from pre-suit investigation through discovery, trial, and the appellate process. Ms. Kortbawi frequently handles sensitive, unique, and high-exposure matters, including those related to complex construction disputes, consumer fraud claims, private equity fraud, personal injury actions, and product liability matters. Her clients include individuals, privately held companies, publicly traded corporations, and governmental entities.

Ms. Kortbawi's experience also encompasses insurance defense matters, including those associated with motor vehicle liability, personal injury cases, professional liability, premises liability, environmental claims and general liability cases. She has extensive experience defending sexual assault claims. She has also obtained favorable settlements for her clients in mediation and arbitration, and has served as local New Jersey counsel in multi-jurisdictional litigation.

Departments

Litigation

Practice Groups

Banking & Financial Services
Litigation

Construction Disputes

Product Liability

Education

Rutgers University School of
Law-Newark, J.D. *cum laude*,
2013

New York University, B.S. *cum
laude*, 2009

Bar Admissions

New Jersey, 2013

U.S. District Court, District of
New Jersey, 2013

New York, 2014

Clerkships

Former law clerk to The
Honorable Jane B. Cantor and
The Honorable Vincent Le
Blon, Superior Court of New
Jersey, Middlesex County,
Law Division (2013-2014)

Kersten Kortbawi (Cont.)

In addition, Ms. Kortbawi provides business counseling, risk management and corporate advisory services to clients. Prior to commencing her legal practice, she served as the chief operating officer of a family-owned wholesale marine supply company for over a decade.

Results may vary depending on your particular facts and legal circumstances.

HONORS & AWARDS

- Selected for inclusion in 2024 by *NJBIZ* on a list called "Leaders in Law"
- Recipient of the Young Lawyer of the Year Award from the Middlesex County Bar Association (2024)
- Selected for inclusion by the *New Jersey Law Journal* on the 2020 list of "New Leaders of the Bar," the publication's annual listing of outstanding attorneys under the age of 40 and practicing in New Jersey
- Listed in *Best Lawyers: Ones to Watch* (a trademark of Woodward/White, Inc.) in the Commercial Litigation practice area (2021 - present)
- Listed in *Super Lawyers – New Jersey Rising Stars* (a Thomson Reuters business) in the General Litigation practice area (2020 - 2023)

Please visit our Award Methodology page for a description of the standard or methodology on which these accolades are based. Attorney Advertising: No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

REPRESENTATIVE MATTERS

Results may vary depending on your particular facts and legal circumstances.

- Successfully defended a motion to dismiss under the Affidavit of Merit Statute where the challenged claims were derivative third-party claims for contribution and indemnity
- Obtained dismissal of a negligence claim after demonstrating that the defendant did not owe a duty of care to an injured subcontractor who was hired by the defendant's general contractor
- Successfully argued summary judgment motion resulting in the dismissal of all cross-claims for indemnity among settling and non-settling co-defendants in a wrongful death matter
- Prevailed on an Order to Show Cause demonstrating that a provision of the Accountancy Act of 1997 was ambiguous, such that the client was not obligated to respond to a subpoena and disclose confidential client documents, absent a court order

UNIQUELY NJ

- Middlesex County Bar Association; Board of Trustees; Legislative Committee, Chair
- *Law360* Personal Injury & Medical Malpractice Advisory Board (2023); New Jersey Editorial Board (2022-present)

- New Jersey State Bar Association: Construction Law Section, Co-Secretary
- Marine Trades Association of New Jersey, Past President and Former Director

MORE ACTIVITIES & EXPERIENCE

- Ms. Kortbawi co-authored a 2019 **amicus brief** on behalf of the New Jersey State Bar Association. The brief, in considering whether an arbitration clause in an attorney-client retainer agreement was unenforceable because it violated New Jersey's Rules of Professional Conduct (RPC), argued that the New Jersey Superior Court Appellate Division improperly engaged in rulemaking, thereby usurping the New Jersey Supreme Court's constitutional authority to regulate attorney conduct and promulgate rules. In December 2020, the Supreme Court clarified the requirements that attorneys must follow in order to include a valid arbitration clause in a retainer agreement, basing its holding on the Model RPC as well as the fiduciary duties that attorneys owe to their clients.
- New York State Office of the Attorney General, Antitrust Bureau Legal Intern (2013)
- Office of the General Counsel of JFK Health System Law Clerk (2012-2013)
- Former judicial intern for Chief Justice Stuart Rabner, Supreme Court of New Jersey (2012)
- While attending law school, Ms. Kortbawi was a member of the Rutgers Moot Court Board and the *Rutgers Computer and Technology Law Journal*

PRESENTATIONS & SPEAKING ENGAGEMENTS

Presenter, Due Diligence in the Construction Payment Process: From Performance to Payments to Releases

Sponsor: *Lorman Education Services*, June 7, 2023

Presenter, Bad Faith or Fair Conduct: A Review of the 2022 New Jersey Insurance Fair Conduct Act

Sponsor: *Middlesex County Bar Association*, October 13, 2022

Co-Presenter, Setting the Standard in New Jersey: Good and Workmanlike Manner in the Construction Industry

Sponsor: *New Jersey Institute for Continuing Legal Education*, April 13, 2022

Presenter, Good and Workmanlike Manner in the Construction Industry: Duty, Fact, or Legal Fiction?

Sponsor: *Lorman Education Services*, November 16, 2021

Moderator, Advanced Mediation Training Part 2 – Business Litigation

Sponsor: *Middlesex County Bar Association*, July 22, 2021

Participant, Advanced Mediation Training Part 1 – Construction Litigation

Sponsor: *Middlesex County Bar Association*, July 20, 2021

Lecturer, The Gavel National Conference IV

Sponsor: *The Gavel*, 1.20-22.20

Speaker, The Do's and Don't's of Civil Motion Practice

Sponsor: *Middlesex County Bar Association Young Lawyer's Committee*, May 12, 2014

PUBLICATIONS & ALERTS

Author, New Jersey Appellate Division Ruling Profoundly Changes Interpretation of Arbitration Clauses
Greenbaum, Rowe, Smith & Davis LLP Client Alert, February 15, 2023

Author, New Jersey Courts Begin Reopening with Transition to Phase 2 Operations Beginning June 22, 2020

Greenbaum, Rowe, Smith & Davis LLP Client Alert, June 17, 2020

Author, Chief Justice Rabner Signs Second Omnibus Order Resuming Certain NJ Court Operations & Extending Deadlines

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 28, 2020

Author, New Jersey Litigation Continues Due to Courts' Proactive Response to COVID-19

Greenbaum, Rowe, Smith & Davis LLP Client Alert, April 16, 2020

Author, New Jersey Appellate Ruling Further Restricts Enforceability of Arbitration Clauses by Adding New Criterion to Enforce Arbitration

Greenbaum, Rowe, Smith & Davis LLP Client Alert, November 2018

Editor, Symposium: Ethical Issues in E-Discovery, Social Media, and the Cloud

Rutgers Computer & Technology Law Journal, 2013

NEWS

Kersten Kortbawi and David C. Scott Recognized by *NJBIZ* on 2024 List Called "Leaders in Law"
March 22, 2024

Kersten Kortbawi to be Honored with Middlesex County Bar Association Young Lawyer of the Year Award
January 18, 2024

2024 Edition of *Best Lawyers* Recognizes 59 Attorneys in 38 Practice Areas: Twelve Greenbaum Lawyers Recognized on "Ones to Watch" List; Five Selected for "Lawyer of the Year" Recognition
August 17, 2023

Kersten Kortbawi Selected for *Law360* 2023 Editorial Advisory Board for Personal Injury & Medical Malpractice

June 8, 2023

Four Greenbaum Women Attorneys Assume New Leadership Roles in New Jersey State Bar Association
May 31, 2023

New Jersey State Bar Association Recognizes Two Greenbaum Partners with Amicus Curiae Awards
January 17, 2023

Greenbaum's Next Generation: More About Our 2022 Class of Partners

2023 Edition of *Best Lawyers* Recognizes 51 Attorneys in 36 Practice Areas: Nine Greenbaum Lawyers
Recognized on "Ones to Watch" List; Seven Selected for "Lawyer of the Year" Recognition
August 18, 2022

Three Greenbaum Partners Selected for Law360 2022 Editorial Board Positions
March 25, 2022

Greenbaum, Rowe, Smith & Davis Welcomes New Partner and Promotes Three Associates to Partnership:
New Counsel and Associates Also Join Firm
February 10, 2022