HUSCH BLACKWELL



John W. Borkowski

PARTNER

THE LINK VIRTUAL OFFICE
PHONE: 312.526.1538
CHICAGO, IL*
PHONE: 312.655.1500
EMAIL: JOHN.BORKOWSKI@HUSCHBLACKWELL.COM

OVERVIEW

Coming from a family of teachers, John knows that educators are dedicated to serving students and society. His lifelong passion for education underlies the insightful counsel he provides to colleges, universities and school districts. He practices from South Bend, Indiana as a member of our virtual office, The Link.

For nearly four decades, John has defended and protected education clients so that they can advance their missions. He focuses much of his practice on higher education litigation and government investigations but has extensive experience working with K-12 schools as well. A seasoned litigator, he has tried cases in federal and state courts nationwide, argued appeals in nearly all federal judicial circuits, and defended clients before the United States Supreme Court as well.

"Thanks for the great job you and everyone did, John, to craft a truly seminal brief that I think will give the court real pause. Proud to work with such an amazing group. First-class piece of work."

— Michael Casserly, Executive Director, Council of the Great City Schools

Industry

Education

Services

Appellate
Collegiate Athletics
Higher Education
K-12 Education
Labor & Employment
Litigation & Alternative Dispute Resolution
Nonprofit Organizations & Religious Institutions
Tax
Title IX

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With a lengthy career in the education law area, John has a deep grasp of the practical, legal and policy issues facing schools, colleges and other organizations in the education sector. His experience covers a wide range of civil rights and educational funding issues, including Title VI, Title VII, Title IX, the Americans with Disabilities Act, voting rights, affirmative action and diversity. He has also defended major class actions and litigated cases both in cooperation with and against the United States Department of Justice.

While John routinely defends educational institutions against lawsuits brought by former and current students and faculty, he also frequently represents schools and colleges in government agency investigations triggered by complaints to the Department of Education's Office for Civil Rights. Over many years, John has built strong relationships with federal regulators and civil rights groups and is well regarded in these offices, often helping to facilitate quicker resolutions for clients.

John deeply values the opportunity to work with so many individuals who have devoted their lives to education and who care deeply about their work. He considers it a privilege to support clients who support students and society, and he loves furthering a mission in which he profoundly believes.

Featured Experience

School District Successfully Defends Discrimination Claim

The Metro Nashville Public Schools faced a claim of unconstitutional racial discrimination. John successfully defended the district through a multiweek trial, an appeal in the Sixth Circuit and in the Supreme Court, where he opposed a petition for writ of certiorari. He also resolved a related complaint from the U.S. Department of Education's Office for Civil Rights against the district. John then helped the district develop a policy for promoting diverse enrollments in its schools to help avoid similar issues in the future.

Discrimination Case Against University Dismissed

When a faculty member who was denied tenure sued her private university, making allegations of race and sex discrimination under Title VII, John successfully demonstrated that the plaintiff failed to allege necessary elements of her claim. The case was dismissed on John's successful motion to dismiss, with the plaintiff's complaint thrown out based on his team's briefing.

Experience

LITIGATION

- Represented several public school districts in state constitutional challenge.

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Experience

- Represented university in Office for Civil Rights (OCR) complaint involving Title IX and Section 504 issues.
- Negotiated modification of court-ordered remedy with Department of Justice.
- Negotiated agreements leading to declarations of partial or full unitary status in several long-running school desegregation cases.
- Negotiated resolution of Title VI complaint with OCR.
- Defended program for English-language learners against class action challenge.
- Represented public university and several administrators in First Amendment case.
- Defended race discrimination case brought against a university by former faculty member.
- Defended sex discrimination case brought against a university by former faculty member.
- Defended national origin discrimination case brought against a university by former faculty member.
- Mediated student suicide case.
- Defended student challenges to university disciplinary processes.

CLIENT COUNSELING

- Advised university on Title IX issues related to LGBT students.
- Counseled school district on intersection of Perkins Act and Individuals with Disabilities Education Act (IDEA), Section 504 and the Americans with Disabilities Act (ADA) in career and technical education centers.
- Counseled university on scholarship program designed to promote diversity and inclusion.
- Advised university on litigation risks associated with contract dispute.
- Counseled school district interested in expanding pre-K education programs on available federal grants and related compliance issues.

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Experience

- Advised university on Title IX sexual harassment investigations.

Recognition

- *Benchmark Litigation*, Local Litigation Star, 2022-2026
- Thomson Reuters Stand-out Lawyer, 2023-2026
- *The Legal 500 United States*, Education, Recommended lawyer, 2026
- JD Supra Readers' Choice Awards, Top Author, Education, 2025
- Capital Pro Bono Honor Roll, High Honors, 2020; Honors, 2021, 2022, 2025
- Education Law Association, August Steinhilber Award for Best Brief Writing in the Appellate Courts, 2017, 2021, 2023
- National Association for Educational Equity Award of Merit
- Defender of Civil Liberties, ACLU Foundation
- Paul Harris Fellow

Education

- J.D., Northwestern University Pritzker School of Law
    - Order of the Coif
- B.A., University of Notre Dame

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Admissions

- Illinois
- District of Columbia
- Indiana
- U.S. Court of Appeals, Fourth Circuit
- Louisiana
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Sixth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Eighth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Northern District of Illinois
- U.S. Supreme Court

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*John works remotely and is licensed in Indiana, practicing in South Bend, IN. Contact John via email or phone for in-person/virtual meetings. Use the Chicago, IL office address for mail/deliveries only.



2026 Benchmark Litigation - Litigation Star

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