

Joshua D. Stadtler, Partner

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Focus

Litigation Business Real Estate

Profile

Joshua Stadtler is an experienced and versatile business litigator known for creatively achieving early resolution of complex disputes. He regularly represents and counsels individuals and businesses of all sizes in litigation involving real estate, business & commercial, corporate, employment, insurance coverage, and trust & estate issues.

Josh draws on the breadth of his litigation and life experience to connect with his clients and understand their concerns within the context of the dispute at hand and the framework of the business and industry realities his clients face. His clients benefit from his collaborative approach to identify and evaluate goals, recognize and assess risk, and develop and implement strategies to realize the client's desired result efficiently and cost-consciously.

Josh has represented clients in state and federal trial and appellate courts and administrative proceedings throughout the country, at numerous mediations and arbitrations, and in investigations conducted by state and federal regulatory enforcement agencies. He has been selected for inclusion by *Super Lawyers* on the Oregon Rising Stars list for business litigation each year since 2017.

Within the firm, Josh co-chairs the Pro Bono Committee, which includes managing the firm's participation in a legal clinic serving indigent clients in collaboration with Legal Aid Services of Oregon. He also maintains an active pro bono practice of his own, in which he has represented numerous victims of domestic violence in restraining order hearings, a US citizen in obtaining legal status for her husband (an undocumented Mexican national), and a Portland non-profit organization in earning financing, performing due diligence, and closing on the purchase of a \$3.5 Million one-acre campus. For those efforts, he was honored by the Multnomah Bar Association in 2015 and featured in *Super Lawyers* in 2018.

Josh's community involvement extends beyond the law, most notably to his service on the Board of Directors for Portland Homeless Family Solutions since 2014, currently as Vice Chair.

Josh is one of the firm's active attorneys in Meritas, a global alliance of prequalified independent law firms, where he serves on the U.S. Leadership Committee and the Young Lawyer Advisory Board and participates in the U.S./Canada Litigation and Labor & Employment Group. He was the firm's Young Lawyer Ambassador to

Meritas from 2016 to 2019.

Prior to joining the firm, Josh practiced in the San Francisco Bay Area office of Katten Muchin Rosenman LLP, a global AmLaw 100 firm, and served as a judicial clerk for the Hon. Peter J. Busch in the Law & Motions Department of the San Francisco Superior Court.

Prior to becoming a lawyer, Josh served in the United States Peace Corps in South Africa, and spent several years traveling on his own across Latin America, Europe, and Asia. More than a decade later, he remains fluent in Spanish.

When Josh is not at the office, he is likely hanging out with his young daughters Stella and Lucy and his wife Lily, cheering at Providence Park in the Timbers Army or at home for the Wisconsin Badgers, or swimming laps in the pool.

Admissions

Oregon

Washington

California

District of Columbia

Court Admissions

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, District of Oregon

U.S. District Court, Western District of Washington

U.S. District Court, Northern District of California

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

U.S. District Court, Eastern District of California

Education

University of California, Hastings College of the Law, J.D., *magna cum laude*, 2010

University of California, Los Angeles, B.A., English, *cum laude*, 2002

Languages

Spanish

Results & Expertise

Outcomes

Real Estate

Multiple favorable settlements obtained at mediation and through judicial settlement conferences and direct negotiations for commercial landlords on breach of lease against commercial tenants and actions on guaranty against guarantors in Oregon and Washington state court (e.g., unpaid rent, damage to premises following surrender, disputes as to lease termination rights or rent commencement date because of delays in delivery of premises); in each instance, recovery of money damages, attorney fees and costs, and contractual or statutory interest through voluntary lump-sum or installment payments.

Induced settlement for 20 times the amount of initial offer in condemnation proceedings by government authority in Oregon state court against residential real estate owner; obtained judgment for full amount of attorney fees and costs and successfully defended attorney fee judgment before both the Oregon Court of Appeals and the Oregon Supreme Court (*TriMet v. Aizawa & Noble-Irons*, 362 Or. 1 (2017)); recovered amount of trial court judgment inclusive of statutory interest and attorney fees and costs incurred on appeal.

Negotiated security interest from real estate developer in consideration of amounts owed to general contractor on two multi-family developments; negotiated priority subordinations and forbearances with other secured creditors in foreclosure proceedings; obtained judgments of foreclosure as to each property and money awards for full amount of money damages, attorney fees, costs, and interest; secured relief from stay to proceed to foreclosure in each of two parallel bankruptcy cases; prevailed as winning bidder through credit bids at successive sheriff's sales for each property; following expiration of redemption rights, facilitated refinance to pay off remaining creditors and allow client to take clear title as to both properties.

Judgments and awards of money damages, attorney fees and costs, and contractual interest obtained in favor of landlord for breach of lease against commercial tenant and action on guaranty against guarantor in Oregon state court; executed on judgment by domesticating Oregon judgment in New Jersey and seizing funds held in guarantor's New Jersey bank account.

Successfully defended group of 27 tenants-in-common (TIC) owners of portfolio of commercial real property valued in excess of \$20M in multi-state litigation brought by developer for specific performance and breach of contract after aborted closing (developer failed to tender purchase price); directly negotiated dismissal with prejudice of lawsuits and release of notices of lis pendens and favorable terms as to waterfall for sharing of sale proceeds after marketing and sale of portfolio to new buyer.

Business & Commercial

Favorable result obtained at judicial settlement conference in Oregon state court for contractor in claim against materials supplier for delivery of defective and non-conforming materials; recovered portion of money damages and attorney fees and costs.

Successful defended metal fabricator in Oregon state court against claims for account, account stated, and breach of contract on purported promissory note and judicial foreclosure on purported security agreement; obtained general judgment of dismissal with prejudice; client avoided payment of any funds to plaintiff.

Recovered business debt owed and attorney fees, costs, and statutory or contractual interest on multiple

occasions for concrete business and packaging company in directly negotiated settlements with commercial customers.

Motion to dismiss granted and general judgment of dismissal obtained for vehicle assembly company against complaint for unlawful trade practices and fraud in Oregon state court; client avoided payment of any funds to plaintiff.

Obtained dismissal for retailer of racial profiling claims in Oregon state court at mediation and in direct negotiation; client voluntarily paid fraction of prayer in each instance.

Corporate

Successfully prosecuted 21-claim complaint in Oregon state court by two shareholders against another shareholder and a number of entities that shareholder controlled in closely held professional corporation dispute involving misappropriation and commingling of assets, self-dealing, unlawful distribution, fraud, conversion, and breaches of director, officer, loyalty, and good faith duties; negotiated agreement at mediation for wind up of corporation on terms favorable to clients and partial payment of money damages and attorney fees and costs, and contractual interest.

Obtained favorable result at mediation for medical practice sued in Oregon state court by former partner arising out of his expulsion from partnership; client voluntarily paid fraction of prayer with advantageous terms.

Successfully defended closely held trucking company in Oregon state court in shareholder dispute; negotiated client's payment of fraction of prayer with favorable terms at judicial settlement conference.

Prosecuted to judgment securities fraud and other related claims arising out of business owner absconding with investor funds; after obtaining judgment for money damages and statutory interest and multiple judgments for attorney fees and costs, executed by domesticating Oregon judgments in Arizona and seizing funds held in business owner's bank account and obtaining orders of continuing liens against business owner's income streams.

Employment

Successfully prosecuted employment discrimination and wrongful termination claims for four Spanish-speaking kitchen workers against former employer (a Portland restaurant/bar); negotiated recovery of lost wages and other money damages at mediation.

Achieved favorable result at mediation defending nutrition supplement manufacturer against age discrimination claim; client voluntarily paid fraction of money damages sought by former management-level employee.

Participated in successful prosecution of religious discrimination, wrongful termination, and breach of contract claims by group of six former management-level employees in Oregon state court; clients obtained multi-million dollar recovery at mediation.

Successfully prosecuted breach of contract and statutory unpaid wage claims by two former management-level employees in Oregon state court; negotiated recovery of significant portion of clients' money damages, attorney fees and costs, and statutory interest at mediation

Insurance Coverage

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Obtained summary judgment on multiple occasions on declaratory judgment and equitable contribution claims in inter-carrier litigation in Oregon state lawsuit; recovered excess shares of defense costs paid by client because of failure by other carriers to participate in common insured's defense (arose out of commercial general liability (CGL) policies issued to common insureds and construction defect litigation against those insureds).

Prevailed at summary judgment in defense of surviving spouse against lawsuit brought in Oregon state court by deceased husband's children from prior marriage for share of life insurance proceeds based on select language from divorce decree; court ruled that client did not have to surrender any share of the proceeds.

Advised multiple defendants in personal injury lawsuits on potential exposure to judgment in excess of their coverage limits; advocated for clients with their insurance carriers; interfaced with plaintiff's counsel; in each instance, cases resolved within client's policy limits.

Review numerous claim files and authored numerous insurance coverage opinions for carriers on third-party claims; attended mediations and participated in multiple direct settlement negotiations in conjunction with those efforts (as coverage counsel for carriers).

Successfully prosecuted numerous inter-carrier claims for recovery of excess defense costs or indemnity paid by client because of failure by other carriers to participate in common insured's defense in Oregon state court; directly negotiated favorable settlements for recovery of majority of amounts sought by client (arose out of commercial general liability (CGL) policies issued to common insureds and construction defect litigation against those insureds).

Trust & Estate

Obtained removal from inventory of estate's claim against beneficiary arising out of disputed loan by decedent and surcharge of personal representative for attorney fees and costs based on breach of fiduciary duties in Oregon state court.

Successfully objected to final accounting and petition for distribution on behalf of estate beneficiary because of self-dealing, misappropriation and waste of estate assets, and other improprieties by personal representative in Oregon state court; directly negotiated payment to client of majority of estate's residue as compensation through entry of stipulated order.

Participated in negotiating favorable settlement at mediation for surety and former personal representative of estate in surcharge action for breach of fiduciary duties in Oregon state court; client surcharged fraction of prayer in stipulated order.

Successfully defended sister from her sister's claims to nullify gift of real property (multiple rental units) for estate planning purposes in Oregon state court; negotiated partial preservation of gift (retention of several rental units) and payment of portion of money damages and attorney fees and costs to offset client voluntarily returning several rental units.

Published Work

The Verdict, 2020, Issue 4, [Non-Resident Insurance Carriers in Coverage Disputes Beware, Anticipate, and if Possible, Avoid the Lengthy Reach of the Long-Arm Statute](#)

Multnomah Lawyer, Vol. 66, No. 9, (Oct. 2020), [Arbitration Provisions and Boilerplate Language in Contracts](#)

Oregon State Bar, BarBooks, *Oregon Civil Pleading and Litigation*, Chapter 6: Parties – General Considerations and Procedure (2020), with Chelsea J. Glynn and Stacie L. Damazo.

Oregon State Bar, BarBooks, *Oregon Civil Pleading and Litigation*, Chapter 34: Trial Motions (2020).

Oregon State Bar, BarBooks, *Oregon Automobile Law Compilation*, Chapter 18: Medical Expenses (2019), with Samuel T. Smith.

Oregon State Bar, BarBooks, *Damages*, Chapter 7: Medical Expenses (2016 Revision), with Samuel T. Smith

Hastings Law Journal, Vol. 61, No. 6 (July 2010): *Ortiz Got It Wrong: Why the Seventh Amendment Does Not Protect the Right to Jury Trial in Class Action Suits Under FRCP 23*

Presentations

Civil Trial Motions, Multnomah Bar Association Continuing Legal Education Seminar, March 17, 2021

Young Lawyer Well-being: Surviving and Thriving, Panelist, Meritas Week 2020, October 21, 2020

Lease Enforcements: Rights and Remedies in the New Economy, Co-Presenter, The Seminar Group, Commercial Leases in the 21st Century, May 11, 2018

Working for the Public Interest While Practicing in the Private Sector, Panelist, Lewis & Clark Law School, Public Interest Law Project Speaker Series, Spring 2016, April 6, 2016

Pro Bono for New Lawyers: Getting Your Feet Wet Without Drowning, Panelist, MBA YLS/OSB Pro Bono Fair & Celebration, October 29, 2015

Industries

Real Estate

Insurance

Practice Areas

Litigation

Business Litigation

Real Estate Litigation

Employment Litigation

Personal & Professional Litigation

Appellate

Honors & Affiliations

Professional Affiliations

Oregon State Bar, 2013-present (Business Litigation, Real Estate & Land Use, Nonprofit Organizations Law Sections)

Multnomah Bar Association, 2013-present

Oregon Association of Defense Counsel, 2013-present

Meritas, 2016-present (U.S. Leadership Committee, 2020-present; Young Lawyer Advisory Board, 2018-present; U.S./Canada Litigation and Labor & Employment Group, 2016-present; Young Lawyer Ambassador for Dunn Carney LLP, 2016-2019)

Community Organizations

Legal Aid Services of Oregon, 2013-present (Domestic Violence Project; Volunteer Lawyers Project)

Portland Homeless Family Solutions, Board of Directors, 2014-present (Vice Chair, 2018-present; Treasurer, 2016-2018; Secretary, 2015-2016)

Dunn Carney Pro Bono Committee, Co-Chair, 2019-present; Chair, 2015-2019

Legal Aid Services of Oregon/Oregon Law Center/Multnomah Bar Association Pro Bono Committee, 2016

Multnomah Bar Association, Young Lawyer Section: Pro Bono Committee, 2014-2016 and Service to the Public Committee, 2013-2014

Oregon Food Bank: Oregon Lawyers Against Hunger, Dunn Carney Team Captain, 2013-2014

Wounded Warriors Project, 2011-2012

Honors & Recognitions

Super Lawyers, Rising Star, Business Litigation, 2017-present

Portland Homeless Family Solutions, Lifetime Achievement Award, 2017

Multnomah Bar Association, Michael E. Haglund Pro Bono Award, 2015

Media

"Joshua Stadtler and Legal Aid Services of Oregon - YLS Pro Bono Spotlight" Multnomah Lawyer (October 2019, Page 12)

"Leave Things Better," *Super Lawyers* (2018, Page 7)

"Oregon Supreme Court Affirms Win Over TriMet," *Oregon Real Estate and Land Use Digest* (December 2017, Page 2)

"25 Years of Service Legal Aid Night Clinic," *Multnomah Lawyer* (January 2017, Page 11)

"Pro Bono Practice = Lawyering Skills for Paying Clients" *Multnomah Lawyer* (October 2014)

"Joshua Stadler, Michael Haglund Award Winner" *Multnomah Lawyer* (May 2015)

