Joshua D. Stadtler, Partner

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Focus

Litigation Business Corporate Real Estate

Profile

Joshua Stadtler is an experienced and versatile business, corporate, and real estate litigator known for creatively resolving complex disputes. He represents companies and individuals in litigation involving business, commercial, corporate governance, and real estate issues.

He has particular expertise in corporate governance disputes, including conflicts between closely held LLC members and managers. He regularly helps business owners resolve high-stakes disputes that threaten the stability of their companies.

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

Josh has represented and counseled individuals and businesses of all sizes in state and federal trial and appellate courts and administrative proceedings nationwide, at mediations and arbitrations, and in agency investigations. He has was selected by Super Lawyers as an Oregon Rising Star in business litigation from 2017 to 2020.

Josh is active in Meritas Law Firms Worldwide, a global alliance of prequalified independent law firms, where he has served on the Board of Directors, the U.S. Leadership Committee, and the Strategic Leadership Committee. Meritas is ranked as an Elite Global Network by Chambers and Partners.

Within Dunn Carney, Josh serves as Hiring Partner, and on the Pro Bono Committee. He own pro bono work includes representing victims of domestic violence in restraining order hearings, a US citizen in obtaining legal status for her undocumented Mexican national husband, 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 in Portland extends beyond his work as a business litigation attorney, most notably to his service on the Board of Directors for Path Home from 2014-2022.

Prior to joining Dunn Carney, Josh practiced in the San Francisco Bay Area office of Katten LLP, a global AmLaw 100 firm, and served as a judicial clerk for 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. Today, he remains fluent in Spanish.

When Josh is not at our Portland office, he is likely hanging out with his young daughters Stella and Lucy and his wife Lily, cheering for the Timbers at Providence Park 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

Representative Clients:

- Berkley North Pacific Group
- The Cheesecake Factory
- Ford Motor Company
- Metro Metals Northwest
- Luxottica Retail North America
- Marine Lumber
- Earl Enterprises
- Western Concrete
- Stockbridge Capital Group
- ViolaBrands
- Willamette Biomass Processors
- General Sheet Metal
- Commercial Air Filtration
- Savage Craft Ale Works
- Betts Company
- Bishops Barbershop
- Tricor Print Communications
- Campbell Global

Representative Matters

Real Estate Litigation

Commercial Lease: Landlord Representation – Multiple judgments obtained and favorable settlements achieved through mediation, 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, lease termination rights, delay in delivery of premises, etc.).

Condemnation Judgment: Affirmed on Appeal – Induced settlement for 20 times the initial offer of compensation in condemnation proceedings by transportation authority against residential real property owner in Portland; obtained trial court judgment for full amount of attorney fees and costs incurred in proceeding; successfully defended that judgment on appeal before the Oregon Supreme Court (*TriMet v. Aizawa & Noble-Irons*, 362 Or. 1 (2017))

Business Litigation

Defective and Non-Conforming Materials – 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.

Breach of Contract: Complete Defense – 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.

Unlawful Trade Practices: Complete Defense – 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.

Corporate Litigation

Closely Held Shareholder Dispute: Healthcare – Successfully prosecuted 21-claim complaint in Oregon state court by two of three shareholders against the third and a number of entities that the third shareholder controlled in closely held professional corporation dispute (misappropriation and commingling of assets, self-dealing, unlawful distribution, fraud, conversion, and breaches of director, officer, loyalty, and good faith duties, etc.); negotiated agreement at mediation for wind up of corporation on terms favorable to clients and partial payment of damages and attorney fees.

Expulsion of Partner from Medical Practice – Obtained favorable result at mediation for medical practice sued in Oregon state court by former partner arising out of his expulsion from partnership.

Insurance Coverage

Inter-Carrier Recovery – 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; obtained summary judgment in several instances (once affirmed on appeal before the Oregon Court of Appeals) and directly negotiated favorable settlements on numerous occasions 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).

Coverage Counsel: Insured Representation – Advised insureds on numerous occasions in Oregon 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 prior to trial within client's policy limits.

Trust & Estate Litigation

Breach of Fiduciary Duties – 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.

Estate Beneficiary Dispute – Successfully objected to final accounting and petition for distribution on behalf of estate beneficiary because of self-dealing, misappropriation, waste of estate assets, and other

improprieties by personal representative in Oregon state court.

Click here to read more of Josh's representative matters.

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)

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)

Oregon State Bar, BarBooks, *Damages*, Chapter 7: Medical Expenses (2016 Revision)

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

Contract Lifecycle Management: *In-house Counsel Perspectives (in Collaboration with Outside Counsel)*, Meritas Presentation, March 10, 2022

Pretrial Motions and Jury Instructions, Multnomah Bar Association Young Lawyer Section Continuing Legal Education Seminar, Sept. 23, 2021

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

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

Lease Enforcements: Rights and Remedies in the New Economy, 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

Honors & Affiliations

Professional Affiliations

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

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

Oregon Association of Defense Counsel, 2013-present

Meritas, 2016-present (Board of Directors, 2022-2023; U.S. Leadership Committee, 2020-2023; Emerging Leader Advisory Board, 2018-2023; Strategic Planning Committee, 2021; U.S./Canada Litigation and Labor & Employment Group, 2016-present)

Community Organizations

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

Path Home, formerly Portland Homeless Family Solutions, Board of Directors, 2014-2022 (Vice Chair, 2018-2022; Treasurer, 2016-2018; Secretary, 2015-2016)

Dunn Carney Pro Bono Committee, Member, 2015-present (Co-Chair 2019-2021; Chair, 2015-2019)

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

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, 2017-2020

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