

Joshua Goldstein

PRINCIPAL

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Josh Goldstein is a first-chair trial and appellate litigator trusted by clients to handle their most complex, high-stakes, and high-profile matters. Clients describe Josh as a creative and strategic problem-solver and pragmatic advisor, and they appreciate his deep commitment to understanding and pursuing their unique goals. Josh has helped win a wide range of cases – through dispositive motion practice, at trial, and on appeal – and has obtained favorable settlements to resolve litigation or avoid it all together.

Josh maintains a diverse practice. He advises and represents clients in complicated commercial disputes, contested, multi-faceted bankruptcy proceedings, multi-billion-dollar insurance and tort claims, and novel appellate matters, in federal and state courts across the country.

Early in his career, Josh had the privilege of working on *Obergefell v. Hodges*, the landmark U.S. Supreme Court case establishing same-sex couples' constitutional right to marry. He later helped spearhead an appeal in which the court, in a 6-3 vote, overturned a state supreme court decision that would have denied same-sex married couples' equal treatment under the law.

Prior to law school, Josh worked on Capitol Hill as a legislative assistant to Senator Edward E. (Ted) Kaufman responsible for financial reform and equity market structure issues. Josh is a member of Choate's AI Litigation Committee.

Focus Areas

Litigation and Investigations

- **Business and Financial Litigation**

Representative Engagements

- Lead trial attorney on behalf of commercial real estate investor in federal court proceeding concerning fair market value of large-scale mixed-use property.
- Defended pharmaceutical manufacturer in historic nationwide multidistrict litigation involving thousands of federal cases and related state court matters across the country. Prior to nationwide resolution, coordinated MDL trial strategy and led defense of several active state court matters involving multi-billion-dollar claims, including work on appeal ultimately resulting in state supreme court's dismissal of majority of plaintiffs.
- Represented excess insurers in $1.2 billion coverage dispute against Amtrak, achieving dismissal of excess insurers and affirmance before Second Circuit Court of Appeals.
- Helped portfolio company of global private firm win breach of contract trial in Massachusetts Business Litigation Session.
- Advised leading global cell tower company in connection with nationwide breach of contract dispute.
- Represented petitioners in landmark U.S. Supreme Court case establishing the constitutional right of same-sex couples to marry (*Obergefell v. Hodges*), and in successful challenge to a State's denial of

same-sex spouses' equal right to be listed on their children's birth certificates (*Pavan v. Smith*).

- Represented major utility company in obtaining dismissal of consumer class action alleging antitrust violations and in affirmance by First Circuit Court of Appeals.
- Co-authored argument adopted by Massachusetts Supreme Judicial Court in question of first impression concerning interpretation of Massachusetts Constitution and state legislature's rules and procedures.
- Advised and represented insurer in connection with appellate matters, including appeal involving record damages award and novel legal questions.
- Investigated integrity of independent public authority's selection of major land development proposal, culminating in entity's decision to reject previously-selected bid and cancel request for proposals.

Publications and Presentations

- "One of One: Justice Gants and lessons from the Keo Case," author, *62 Boston College Law Review* 2827 (2021)

Professional & Community Involvement

- Member of the Boston Bar Association Annual Meeting Committee
- Neurodiversity/Disability Advocacy: Josh is a passionate advocate for neurodivergent and disabled individuals. He has represented disabled individuals in pursuing legal claims, serves on the Board of Directors for the Disability Law Center, is a member of the Disability Rights Bar Association (DRBA) and was co-chair of the Newton Public Schools Special Education Parent Advisory Council (SEPAC), and remains active in promoting neurodiversity-informed practices and policies in schools and society writ large.
- Community Service: As a teaching fellow with the Marshall-Brennan Constitutional Literacy Project, Josh taught a year-long course on constitutional law to high school students in underserved communities. He has also served as a Discovering Justice attorney mentor and taught a course on the First Amendment for middle and high school students at Camp Harbor View in Boston.

Education & Credentials

- Yale Law School, JD (2013); Senior Editor, *Yale Journal on Regulation*
- Cornell University, BA (2009) *magna cum laude*

Admissions

- Massachusetts
- U.S. District Court, Massachusetts
- U.S. Court of Appeals, First Circuit

Clerkships

- Chief Justice Ralph D. Gants of the Massachusetts Supreme Judicial Court