

## Joseph Arellano

Office Managing Director and Principal

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Professional services clients rely on Joe's sound advice in navigating regulatory investigations and high-stakes litigation.

Joe is a Chicago native but has called the Northwest "home" for more than 35 years. His practice emphasizes complex civil litigation, including securities, commercial and tort litigation, as well as professional liability defense. Many of Joe's cases are investment related and he often represents professionals such as lawyers, accountants, brokers, officers and directors. He also represents those same professionals in regulatory investigations by the SEC, DOJ, IRS, FBI and their state counterparts. He has successfully represented lawyers and law firms in multi-million dollar professional negligence trials and securities related trials.

Joe began his career as an enforcement staff attorney in the New York office of the SEC and gained trial experience as a deputy city attorney for the City of Portland trying tort and civil rights cases in both state and federal courts.

### Education

J.D., Northwestern School of Law of Lewis & Clark College, 1978  
B.A., DePaul University, 1975

### Honors & Recognition

American College of Trial Lawyers, Fellow

### Services

Litigation  
Alternative Dispute Resolution  
Financial Services  
Securities Litigation & Enforcement

### Admissions

Oregon  
New York  
U.S. District Court, District of Oregon  
U.S. District Court, Southern District of New York  
U.S. Court of Appeals for the 9th Circuit  
U.S. Supreme Court

- Attorney-Client Relationships Committee, Chair, 2017-2019
- Oregon State Committee, Chair, 2014-2016

*Chambers USA* (Oregon) Leading Individual, Litigation: General Commercial, 2005-present

- *Chambers USA* Client's Guide to America's Leading Lawyers for Business (Business Litigation)

*Best Lawyers in America*®

- Bet-the-Company Litigation, 2021
- Commercial Litigation, 2018-present
- Litigation - Regulatory Enforcement (SEC), 2018-present
- Litigation - Securities, 2018-present
- Best Lawyers "Lawyer of the Year"
  - Litigation - Regulatory Enforcement, 2021
  - Litigation - Securities, 2016, 2018

Oregon Super Lawyers list, 2006-2020

Martindale-Hubbell AV Preeminent

## Professional Activities

American Bar Foundation, Fellow

Foster Garvey, Managing Director of Portland Office, 2019-present

Garvey Schubert Barer, Managing Director of Portland Office, 2019

Multnomah Bar Association

- Professionalism Committee, Mentor

Oregon State Bar

- Business Litigation Section Executive Committee, Chair, 2009
- Federal Practice and Procedure Committee, 1999-2002
- Securities Regulation Executive Committee, 1998-2000
- Uniform Securities Act Taskforce, 2004-2006

## Community Activities

Multnomah County Library, Advisory Board, 2000-2008

## Experience

### PABD v. [Oregon lawyer].

Multnomah County (Oregon) Circuit Court No. 14-cv-16482. A legal malpractice action arising from a settlement – reached in mediation – of a breach of contract case. Damages of \$2.5 million sought. Trial result: Defense verdict (November 2016).

### CNR Properties v. Equity Options.

Deschutes County (Oregon) Circuit Court No. 09 CV 0525. Defense of LLC counsel for alleged materially aiding securities violations as a result of his formation of LLC in which members were solicited for purchase of “basket of non-performing mortgage-backed notes” from Bear Stearns. Damages of over \$2 million alleged. Trial result: Defense verdict (November 2011).

### Bean v. [Regional Law Firm].

Multnomah County (Oregon) Circuit Court No. 1002-01828. A legal malpractice action by a real estate developer over a failed condo conversion project in Las Vegas, Nevada. Trial result: Plaintiff verdict awarding damages of \$7.8 million (June 2011).

### Miles v. [National law firm].

Multnomah County (Oregon) Circuit Court No. 0505-05395. A legal malpractice action regarding corporate merger. Lost profits of \$8 million alleged. Trial result: Defense verdict (January 2007).

### Lay v. Shoes4work, Inc.

Multnomah County (Oregon) Circuit Court No. 0206-06081. Defense of start-up company and its CEO for alleged securities violations in connection with angel investor's equity and debt investments. Trial result: Defense verdict (April 2005).

### NuGenfx v. Viogenix.

Multnomah County Circuit Court No. 0304-04518. Defense of corporate counsel for alleged securities violations arising from asset sale agreement. Damages of \$5 million alleged. Trial result: Defense verdict; company and its former CEO found liable (February 2005).

### Oregon Public Employees Retirement Fund v. Simat, Heliesen & Eichner, et al.

191 OrApp 408, 83 P3d 350 (2004). Action for breaches of contracts, piercing the corporate veil and fraud in connection with the state retirement fund's \$50 million investment in an airplane maintenance facility in Portland, Oregon. Trial court's \$61 million judgment against client reversed on appeal; remanded solely for an award of attorney fees to client. Co-defendant's \$34 million judgment affirmed.

### Pufahl v. [Oregon lawyer].

Multnomah County (Oregon) Circuit Court No. 9906-06414. A legal malpractice action involving the proper issuance and cancellation of stock pledged as collateral, and the steps needed to

perfect a security interest in certificated stock. Trial result: Defense verdict (August 2000).

**Cargill v. Bunge.**

USDC, Oregon, No. 98-303. An action for breach of contract warranties and fraud regarding the sale of an export grain elevator in Portland, Oregon. Damages of \$6 million alleged. Trial result: Defense verdict (July 2000).

**Jorgensen v. TRW, Inc. and Experian Information Solutions, Inc.**

USDC, Oregon, No. 96-286. Action against two credit-reporting services for violation of the Fair Credit Reporting Act in connection with plaintiff's identity theft. Trial result: Defense verdict; co-defendant assessed \$600,000 in damages (July 1999).

**In Re: Southern Pacific Funding Corporation Securities Litigation.**

USDC, Oregon, 98-1239. Local counsel for international accounting firm in securities class action and in adversary proceedings in bankruptcy court.

**Estate of [ABC] v. [ABC] Forest Products, Inc.**

Washington County (Oregon) Circuit Court No. C970631CV. Issues involved valuation of minority interests in closely-held company and claims of alleged breaches of contract and fiduciary duties under a stock purchase agreement. Arbitrated before the American Arbitration Association.

**Louisiana Pacific Securities Class Action Litigation.**

USDC, Oregon, No. 95-707. Representation of former corporate officer in consolidated securities class action.

## News

43 Attorneys Named 2021 *Best Lawyers in America*; 10 Named Best Lawyers: Ones to Watch  
*Foster Garvey Newsroom*, 8.20.20

Seven Attorneys Named to Oregon Super Lawyers List  
*Foster Garvey Newsroom*, 7.6.20

Foster Garvey Named Among Top Firms in Chambers USA, Including Ranking of Six New Attorneys  
*Foster Garvey Newsroom*, 4.23.20

Joe Arellano Quoted in *The Oregonian* About Michael Avenatti Extortion Trial  
*The Oregonian*, 2.12.20

Educating Pro Se Litigants in Oregon  
*Foster Garvey Newsroom*, 2019

Joe Arellano Quoted in *Oregon Business* About Benefits of Law Firm Mergers  
*Oregon Business*, 9.17.19

50 Foster Garvey Attorneys Named 2020 *Best Lawyers in America*  
*Foster Garvey Newsroom*, 8.15.19

32 Attorneys Named Super Lawyers and Eight Named Rising Stars  
*Foster Garvey Newsroom*, 6.10.19

Foster Garvey Named Among Top Firms in *Chambers USA*, Including Nationwide Ranking in  
New Focus Area  
*Foster Garvey Newsroom*, 4.25.19

Joe Arellano Appointed as Chair of ACTL's Attorney-Client Relationships Committee for 2018-19  
*Foster Garvey Newsroom*, 10.1.18

Joe Arellano Leads ACTL Committee in Publishing New White Paper on Attorney-Client  
Privilege  
*Foster Garvey Newsroom*, 3.12.18

Joe Arellano Explains in the *Portland Business Journal* What Businesses Should Do If  
Expecting to Be Sued  
*Portland Business Journal (subscription required)*, 10.13.17

### **Speaking Engagements**

"Legal Malpractice Limits Under *Alfieri v. Solomon*," Controversial Issues in Mediation - Oregon  
State Bar CLE Seminar  
Panel Discussion  
Tigard, OR, 3.13.20

"Mediation and the Effect of *Alfieri v. Solomon*," Oregon State Bar Business Litigation Section  
CLE  
Panel Discussion  
Portland, OR, 3.15.17

### **Legal Alerts**

5 Things Businesses Need to Do If They Think They're About to Be Sued  
10.19.17

## **Publications**

Are Litigation Funding Agreements Discoverable?

*American College of Trial Lawyers (ACTL), Attorney-Client Relationships Committee, 5.17.18*

White Paper - Attorney-Client Privilege Update: Current and Recurring Issues

*American College of Trial Lawyers (ACTL), Attorney-Client Relationships Committee, 3.12.18*

Region 3: Northwest Regional Meeting

*The American College of Trial Lawyers Journal, Spring 2017*