

James E. Fosler, Esq.

Attorney | Business Advisor | Litigation Counsel

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PROFILE

Attorney and business advisor with more than 30 years of experience providing legal solutions to government entities, institutional investors, corporations, closely-held businesses, and individuals. Recognized for aligning legal strategy with business and public policy objectives, managing high-stakes risk, and winning complex litigation in state and federal courts. Expert at assembling and building multidisciplinary teams to solve complex business and legal challenges.

CORE PRACTICE AREAS

- Complex Commercial and Government Litigation
- Corporate Governance and Board Advisory
- Corporate Formation, Organization, and Restructuring
- Business Strategy and Risk Management
- Catastrophic Personal Injury Litigation
- Mass Tort and Class Action Litigation
- Outside General Counsel Services

PROFESSIONAL EXPERIENCE

FOSLER LAW GROUP, INC.

Anchorage, Alaska & Santa Monica, California

Founder & Principal | October 2003 – Present

Founded and leads a boutique law firm focused on high-value litigation, strategic advisory work, and business counseling. Representative clients include the State of Alaska, the Alaska State Legislature, judges, government entities, corporations, and individuals in both routine and complex matters.

- Leads complex, multimillion-dollar litigation in state and federal courts across the country.
- Advises business owners, boards of directors, and senior management on corporate organization, reorganization, governance, fiduciary duties, and enterprise risk.
- Assembles and directs multidisciplinary teams to successfully challenge multinational corporations and entire industries.
- Serves as outside general counsel to businesses, providing day-to-day legal advice, transaction support, and crisis management.

MILESTONE MATTERS & RESULTS

- Represented the State of Alaska in litigation against 41 pharmaceutical manufacturers regarding practices that resulted in Medicaid over reimbursing providers for drugs (Average Wholesale Price Litigation). The case resulted in a recovery of over \$45 million.
- Represented four former Alaska Governors and the Alaska State Legislature before the United States Supreme Court in the Exxon Valdez litigation.
- Represented the State of Alaska against 31 of the largest broiler chicken producers and seven of the largest pork producers in the country for price fixing in violation of antitrust laws. The case settled for more than other states on a population basis.
- Represented institutional investors in landmark litigation against British Petroleum (BP) arising from systemic safety, environmental, and operational failures, resulting in BP admitting to oversight deficiencies and agreeing to significant corporate governance reforms and to paying \$373 million in fines.
- Represented Alaska-based institutional funds in an opt-out action related to the AOL/Time Warner merger, achieving recoveries approximately 10x greater than funds that stayed in the class action.
- Represented the State of Alaska against Merck for misrepresentations relating to the sale and marketing of Vioxx; appointed by the federal court to the National Government Actions Case Management Committee. The case settled for \$29 million.

MILESTONE MATTERS & RESULTS *(continued)*

Thriving general litigation practice that included several other cases for the State of Alaska, cases for the Alaska State Legislature, Alaska businesses, and seriously injured individuals.

Filed appeals at the United States Supreme Court, Ninth Circuit Court of Appeals, and Alaska Supreme Court, including several appeals to the Alaska Supreme Court on behalf of the Alaska State Legislature, usually on constitutional issues of first impression.

Regularly advises owners, boards of directors, and senior management on corporate organization and restructuring, governance, fiduciary duties, enterprise risk, and strategic decision-making. Advised the Alaska State Legislature on legislative duties, ethics, procedural matters, and organizational structures.

ADDITIONAL LEGAL EXPERIENCE

Keesal, Young & Logan – *Attorney* (2000–2003)

Developed plaintiff-side personal injury practice; handled insurance bad faith, medical malpractice, products liability, maritime, and securities litigation.

Feldman, Orlansky & Sanders – *Attorney* (1997–1999)

Litigated civil and criminal cases; broad experience and mentorship from the best lawyers in Alaska.

Alaska Court System – *Law Clerk* (1996–1997)

Clerk to Superior Court Judge; researched and drafted memoranda and opinions.

EDUCATION

Gonzaga University School of Law

Spokane, Washington

Juris Doctorate

Magna cum Laude

Gonzaga University

Spokane, Washington

Bachelor of Arts, History

Bachelor of Arts, Economics

Summa cum laude

BAR ADMISSIONS

- Alaska
- Washington (Inactive)
- United States Supreme Court
- United States District Court for the District of Alaska
- United States District Court for the Western District of Washington
- Pro hac vice admission in state and federal courts anywhere in the country

BUSINESS & ENTREPRENEURIAL EXPERIENCE

Entrepreneur with experience owning and operating various businesses, including an Italian restaurant in Sun Valley, ID, and a maritime telemedicine business in Alaska. Currently co-owner of All In Academy, LLC, a Jujitsu and Muay Thai academy organized to expand and franchise (www.allinacademy.com).

PERSONAL INTERESTS

Spearfishing, boating, skiing, mountain biking, fitness, and travel.

CONTACT

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