

JAMES E. FOSLER, ESQ.

Attorney | Business Advisor | Complex Litigation Counsel

Focused advocacy and advice for complicated legal and business situations

PROFILE

Attorney and business advisor with more than 30 years of experience delivering 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 in complex litigation in state and federal courts. Experienced in building and leading multidisciplinary teams to take on the largest business and legal challenges.

CORE PRACTICE AREAS

- Complex Commercial & Government Litigation
 - Corporate Governance & Board Advisory
 - Corporate Organization & Reorganization
 - Business Strategy & Risk Management
 - Serious Personal Injury Litigation
 - Mass and Class Action Litigation
 - Outside General Counsel Services
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MILESTONE MATTERS & RESULTS

- Represented the State of Alaska in litigation against 41 pharmaceutical manufacturers over 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 boiler chicken producers and 17 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 fund 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.

Thriving general litigation practice that included a number of 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.

In addition to litigation, regularly advises owners, boards, and senior management on business organization and reorganization, governance, fiduciary duties, enterprise risk, and strategic decision-making.

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. Represents the State of Alaska, the Alaska State Legislature, judges, government entities, corporations, and individuals in complex matters.

- Represent clients in a broad range of complex, high dollar litigation in state and federal courts locally and nationally.
 - Serve as advisor to owners, boards, and management on organization, governance, and risk management.
 - Assemble and manage teams to prevail over the largest and most powerful companies and industries in the world.
 - Provide outside general counsel services, including day-to-day legal advice, transaction support, and crisis management.
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KEESAL, YOUNG & LOGAN

Anchorage, Alaska

Attorney | January 2000 – October 2003

Attorney at a mid-sized, Pacific Rim-based civil litigation firm.

- Developed and expanded the firm's plaintiff-side personal injury and complex tort practice.
- Litigated matters involving insurance bad faith, medical malpractice, products liability, and unlawful business practices.
- Represented national brokerage and financial services clients defending broker-dealer and securities law matters.

FELDMAN, ORLANSKY & SANDERS

Anchorage, Alaska

Attorney | September 1997 – December 1999

- Practiced with a boutique Alaska-based civil and criminal litigation firm.
- Represented clients across a broad range of civil and criminal matters, gaining early hands-on litigation experience.

ALASKA COURT SYSTEM

Anchorage, Alaska

Law Clerk to the Honorable Michael Wolverton | July 1996 – September 1997

- Clerked for a Superior Court Judge in Alaska's highest trial court.
- Performed legal research and drafted orders and administrative appeal opinions.

EDUCATION

Gonzaga University School of Law, Spokane, Washington

Juris Doctorate,

Magna cum laude, 1996

Gonzaga University, Spokane, Washington

Bachelor of Arts, History

Bachelor of Arts, Economics

Summa cum laude, 1993

BAR ADMISSIONS

- Alaska
 - Washington (Inactive)
 - United States District Court for the District of Alaska
 - United States District Court for the Western District of Washington
 - United States Supreme Court
 - *Pro hac vice* admission in state and federal courts around the country
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BUSINESS & ENTREPRENEURIAL EXPERIENCE

Entrepreneur with experience owning and operating various businesses, including a white tablecloth 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

Boating, skiing, mountain biking, fitness, and travel.

CONTACT

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